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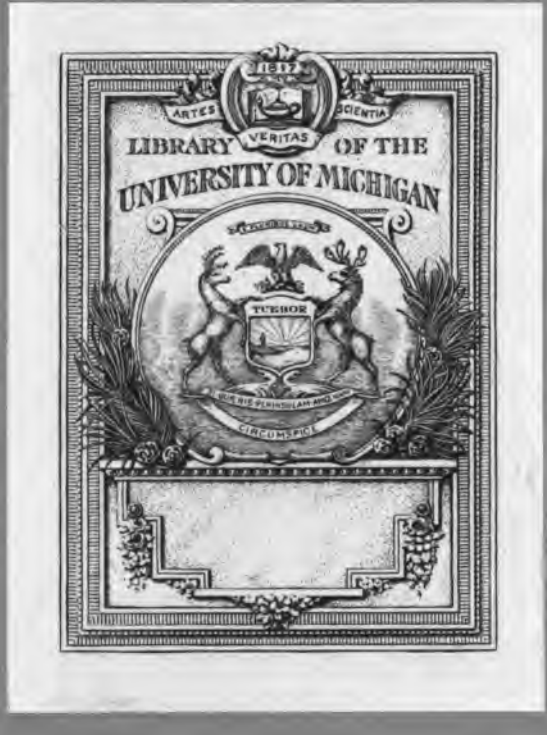
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THE

WRITINGS

OF

THOMAS JEFFERSON:

BEING HIS

AUTOBIOGRAPHY, CORRESPONDENCE, REPORTS, MESSAGES, ADDRESSES, AND OTHER WRITINGS, OFFICIAL AND PRIVATE.

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BY THE EDITOR

H. A. WASHINGTON.

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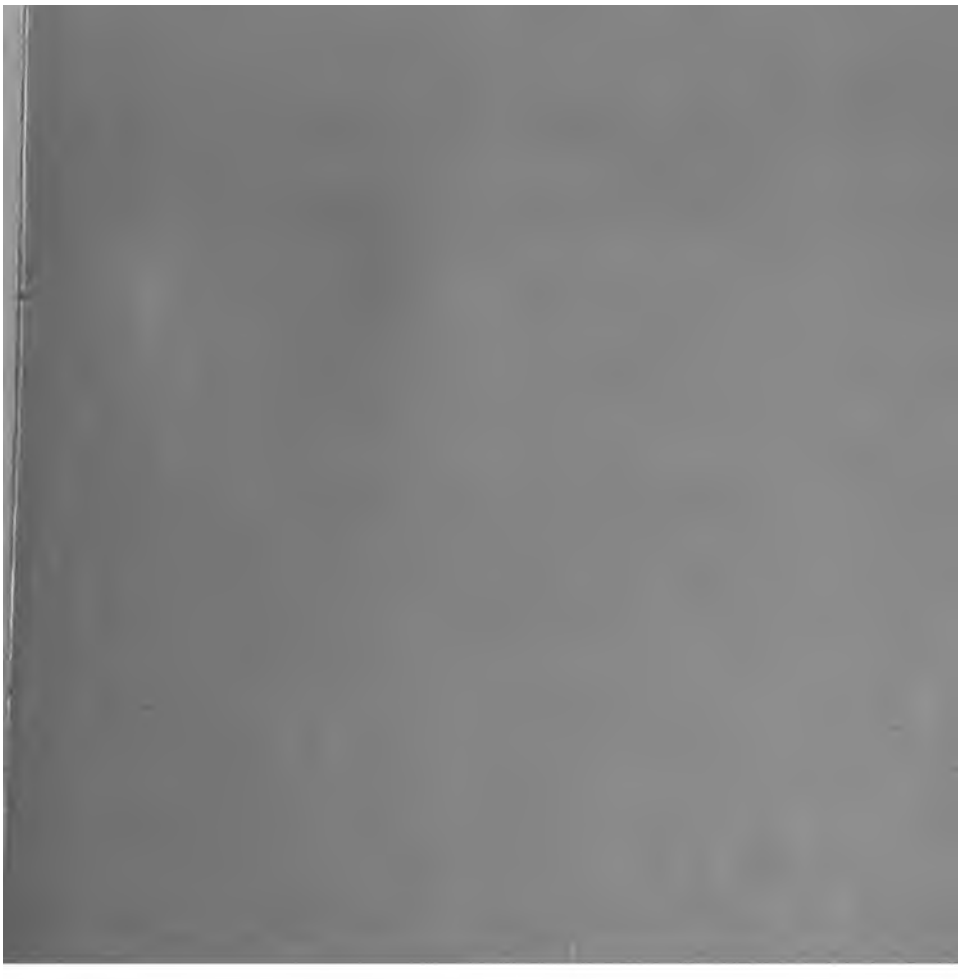

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PART III.—CONTINUED.

LETTERS WRITTEN AFTER HIS RETURN TO THE U. S. DOWN TO THE TIME OF HIS DEATH.

1790–1826.

PART III.—CONTINUED.

LETTERS WRITTEN AFTER HIS RETURN TO THE U. S. DOWN TO THE TIME OF HIS DEATH.

1790–1826

TO FRANCIS W. GILMER.

MONTICELLO, June 7, 1816.

DEAR SIR,—I received a few days ago from Mr. Dupont the enclosed manuscript, with permission to read it, and a request, when read, to forward it to you, in expectation that you would translate it. It is well worthy of publication for the instruction of our citizens, being profound, sound, and short. Our legislators are not sufficiently apprized of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another; and this is all from which the laws ought to restrain him; every man is under the natural duty of contributing to the necessities of the society; and this is all the laws should enforce on him; and, no man having a natural right to be the judge between himself and another, it is his natural duty to submit to the umpirage of an impartial third. When the laws have declared and enforced all this, they have fulfilled their functions; and the idea is quite unfounded, that on entering into society we give up any natural right. The trial of every law by one of these texts, would lessen much the labors of our legislators, and lighten equally our municipal codes. There is a work of the

first order of merit now in the press at Washington, by Destutt Tracy, on the subject of political economy, which he brings into the compass of three hundred pages, octavo. In a preliminary discourse on the origin of the right of property, he coincides much with the principles of the present manuscript; but is more developed, more demonstrative. He promises a future work on morals, in which I lament to see that he will adopt the principles of Hobbes, or humiliation to human nature; that the sense of justice and injustice is not derived from our natural organization, but founded on convention only. I lament this the more, as he is unquestionably the ablest writer living, on abstract subjects. Assuming the fact, that the earth has been created in time, and consequently the dogma of final causes, we yield, of course, to this short syllogism. Man was created for social intercourse; but social intercourse cannot be maintained without a sense of justice; then man must have been created with a sense of justice. There is an error into which most of the speculators on government have fallen, and which the well-known state of society of our Indians ought, before now, to have corrected. In their hypothesis of the origin of government, they suppose it to have commenced in the patriarchal or monarchical form. Our Indians are evidently in that state of nature which has passed the association of a single family; and not yet submitted to the authority of positive laws, or of any acknowledged magistrate. Every man, with them, is perfectly free to follow his own inclinations. But if, in doing this, he violates the rights of another, if the case be slight, he is punished by the disesteem of his society, or, as we say, by public opinion; if serious, he is tomahawked as a dangerous enemy. Their leaders conduct them by the influence of their character only; and they follow, or not, as they please, him of whose character for wisdom or war they have the highest opinion. Hence the origin of the parties among them adhering to different leaders, and governed by their advice, not by their command. The Cherokees, the only tribe I know to be contemplating the establishment of regular laws, magistrates, and government, propose a government of represen-

tatives, elected from every town. But of all things, they least think of subjecting themselves to the will of one man. This, the only instance of actual fact within our knowledge, will be then a beginning by republican, and not by patriarchal or monarchical government, as speculative writers have generally conjectured.

We have to join in mutual congratulations on the appointment of our friend Correa, to be minister or envoy of Portugal, here. This, I hope, will give him to us for life. Nor will it at all interfere with his botanical rambles or journeys. The government of Portugal is so peaceable and inoffensive, that it has never any altercations with its friends. If their minister abroad writes them once a quarter that all is well, they desire no more. I learn, (though not from Correa himself,) that he thinks of paying us a visit as soon as he is through his course of lectures. Not to lose this happiness again by my absence, I have informed him I shall set out for Poplar Forest the 20th instant, and be back the first week of July. I wish you and he could concert your movements so us to meet here, and that you would make this your head quarters. It is a good central point from which to visit your connections; and you know our practice of placing our guests at their ease, by showing them we are so ourselves and that we follow our necessary vocations, instead of fatiguing them by hanging unremittingly on their shoulders. I salute you with affectionate esteem and respect.

TO WILLIAM H. CRAWFORD.

MONTICELLO, June 20, 1816

DEAR SIR,—I am about to sin against all discretion, and knowingly, by adding to the drudgery of your letter-reading, this acknowledgment of the receipt of your favor of May the 31st, with the papers it covered. I cannot, however, deny myself the gratification of expressing the satisfaction I have received, not only from the general statement of affairs at Paris, in yours of Decem-

ber the 12th, 1814, (as a matter of history which I had not before received,) but most especially and superlatively, from the perusal of your letter of the 8th of the same month to Mr. Fisk, on the subject of draw-backs. This most heterogeneous principle was transplanted into ours from the British system, by a man whose mind was really powerful, but chained by native partialities to everything English; who had formed exaggerated ideas of the superior perfection of the English constitution, the superior wisdom of their government, and sincerely believed it for the good of this country to make them their model in everything; without considering that what might be wise and good for a nation essentially commercial, and entangled in complicated intercourse with numerous and powerful neighbors, might not be so for one essentially agricultural, and insulated by nature from the abusive governments of the old world.

The exercise, by our own citizens, of so much commerce as may suffice to exchange our superfluities for our wants, may be advantageous for the whole. But it does not follow, that with a territory so boundless, it is the interest of the whole to become a mere city of London, to carry on the business of one half the world at the expense of eternal war with the other half. The agricultural capacities of our country constitute its distinguishing feature; and the adapting our policy and pursuits to that, is more likely to make us a numerous and happy people, than the mimicry of an Amsterdam, a Hamburgh, or a city of London. Every society has a right to fix the fundamental principles of its association, and to say to all individuals, that, if they contemplate pursuits beyond the limits of these principles, and involving dangers which the society chooses to avoid, they must go somewhere else for their exercise; that we want no citizens, and still less ephemeral and pseudo-citizens, on such terms. We may exclude them from our territory, as we do persons infected with disease. Such is the situation of our country. We have most abundant resources of happiness within ourselves, which we may enjoy in peace and safety, without permitting a few citizens, infected with the mania of rambling and gambling, to bring danger on the

great mass engaged in innocent and safe pursuits at home. In your letter to Fisk, you have fairly stated the alternatives between which we are to choose: 1, licentious commerce and gambling speculations for a few, with eternal war for the many; or, 2, restricted commerce, peace, and steady occupations for all. If any State in the Union will declare that it prefers separation with the first alternative, to a continuance in union without it, I have no hesitation in saying, "let us separate." I would rather the States should withdraw, which are for unlimited commerce and war, and confederate with those alone which are for peace and agriculture. I know that every nation in Europe would join in sincere amity with the latter, and hold the former at arm's length, by jealousies, prohibitions, restrictions, vexations and war. No earthly consideration could induce my consent to contract such a debt as England has by her wars for commerce, to reduce our citizens by taxes to such wretchedness, as that laboring sixteen of the twenty-four hours, they are still unable to afford themselves bread, or barely to earn as much oatmeal or potatoes as will keep soul and body together. And all this to feed the avidity of a few millionary merchants, and to keep up one thousand ships of war for the protection of their commercial speculations. I returned from Europe after our government had got under way, and had adopted from the British code the law of draw-backs. I early saw its effects in the jealousies and vexations of Britain; and that, retaining it, we must become like her an essentially warring nation, and meet, in the end, the catastrophe impending over her. No one can doubt that this alone produced the orders of council, the depredations which preceded, and the war which followed them. Had we carried but our own produce, and brought back but our own wants, no nation would have troubled us. Our commercial dashers, then, have already cost us so many thousand lives, so many millions of dollars, more than their persons and all their commerce were worth. When war was declared, and especially after Massachusetts, who had produced it, took side with the enemy waging it, I pressed on some confidential friends in Congress to avail us of the happy op-

portunity of repealing the draw-back; and I do rejoice to find that you are in that sentiment. You are young, and may be in the way of bringing it into effect. Perhaps time, even yet, and change of tone, (for there are symptoms of that in Massachusetts,) may not have obliterated altogether the sense of our late feelings and sufferings; may not have induced oblivion of the friends we have lost, the depredations and conflagrations we have suffered, and the debts we have incurred, and have to labor for through the lives of the present generation. The earlier the repeal is proposed, the more it will be befriended by all these recollections and considerations. This is one of three great measures necessary to insure us permanent prosperity. This preserves our peace. A second should enable us to meet any war, by adopting the report of the war department, for placing the force of the nation at effectual command; and a third should insure resources of money by the suppression of all paper circulation during peace, and licensing that of the nation alone during war. The metallic medium of which we should be possessed at the commencement of a war, would be a sufficient fund for all the loans we should need through its continuance; and if the national bills issued, be bottomed (as is indispensable) on pledges of specific taxes for their redemption within certain and moderate epochs, and be of proper denominations for circulation, no interest on them would be necessary or just, because they would answer to every one the purposes of the metallic money withdrawn and replaced by them.

But possibly these may be the dreams of an old man, or that the occasions of realizing them may have passed away without return. A government regulating itself by what is wise and just for the many, uninfluenced by the local and selfish views of the few who direct their affairs, has not been seen, perhaps, on earth. Or if it existed, for a moment, at the birth of ours, it would not be easy to fix the term of its continuance. Still, I believe it does exist here in a greater degree than anywhere else; and for its growth and continuance, as well as for your personal health and happiness, I offer sincere prayers, with the homage of my respect and esteem.

TO SAMUEL KERCHIVAL.

MONTICELLO, July 12, 1816.

SIR,—I duly received your favor of June the 13th, with the copy of the letters on the calling a convention, on which you are pleased to ask my opinion. I have not been in the habit of mysterious reserve on any subject, nor of buttoning up my opinions within my own doublet. On the contrary, while in public service especially, I thought the public entitled to frankness, and intimately to know whom they employed. But I am now retired: I resign myself, as a passenger, with confidence to those at present at the helm, and ask but for rest, peace and good will. The question you propose, on equal representation, has become a party one, in which I wish to take no public share. Yet, if it be asked for your own satisfaction only, and not to be quoted before the public, I have no motive to withhold it, and the less from you, as it coincides with your own. At the birth of our republic, I committed that opinion to the world, in the draught of a constitution annexed to the "Notes on Virginia," in which a provision was inserted for a representation permanently equal. The infancy of the subject at that moment, and our inexperience of self-government, occasioned gross departures in that draught from genuine republican canons. In truth, the abuses of monarchy had so much filled all the space of political contemplation, that we imagined everything republican which was not monarchy. We had not yet penetrated to the mother principle, that "governments are republican only in proportion as they embody the will of their people, and execute it." Hence, our first constitutions had really no leading principles in them. But experience and reflection have but more and more confirmed me in the particular importance of the equal representation then proposed. On that point, then, I am entirely in sentiment with your letters; and only lament that a copy-right of your pamphlet prevents their appearance in the newspapers, where alone they would be generally read, and produce general effect. The present vacancy too,

of other matter, would give them place in every paper, and bring the question home to every man's conscience.

But inequality of representation in both Houses of our legislature, is not the only republican heresy in this first essay of our revolutionary patriots at forming a constitution. For let it be agreed that a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns, (not indeed in person, which would be impracticable beyond the limits of a city, or small township, but) by representatives chosen by himself, and responsible to him at short periods, and let us bring to the test of this canon every branch of our constitution.

In the legislature, the House of Representatives is chosen by less than half the people, and not at all in proportion to those who do choose. The Senate are still more disproportionate, and for long terms of irresponsibility. In the Executive, the Governor is entirely independent of the choice of the people, and of their control; his Council equally so, and at best but a fifth wheel to a wagon. In the Judiciary, the judges of the highest courts are dependent on none but themselves. In England, where judges were named and removable at the will of an hereditary executive, from which branch most misrule was feared, and has flowed, it was a great point gained, by fixing them for life, to make them independent of that executive. But in a government founded on the public will, this principle operates in an opposite direction, and against that will. There, too, they were still removable on a concurrence of the executive and legislative branches. But we have made them independent of the nation itself. They are irremovable, but by their own body, for any depravities of conduct, and even by their own body for the imbecilities of dotage. The justices of the inferior courts are self-chosen, are for life, and perpetuate their own body in succession forever, so that a faction once possessing themselves of the bench of a county, can never be broken up, but hold their county in chains, forever indissoluble. Yet these justices are the real executive as well as judiciary, in all our minor and most ordinary concerns. They tax

us at will; fill the office of sheriff, the most important of all the executive officers of the county; name nearly all our military leaders, which leaders, once named, are removable but by themselves. The juries, our judges of all fact, and of law when they choose it, are not selected by the people, nor amenable to them. They are chosen by an officer named by the court and executive. Chosen, did I say? Picked up by the sheriff from the loungings of the court yard, after everything respectable has retired from it. Where then is our republicanism to be found? Not in our constitution certainly, but merely in the spirit of our people. That would oblige even a despot to govern us republicanly. Owing to this spirit, and to nothing in the form of our constitution, all things have gone well. But this fact, so triumphantly misquoted by the enemies of reformation, is not the fruit of our constitution, but has prevailed in spite of it. Our functionaries have done well, because generally honest men. If any were not so, they feared to show it.

But it will be said, it is easier to find faults than to amend them. I do not think their amendment so difficult as is pretended. Only lay down true principles, and adhere to them inflexibly. Do not be frightened into their surrender by the alarms of the timid, or the croakings of wealth against the ascendency of the people. If experience be called for, appeal to that of our fifteen or twenty governments for forty years, and show me where the people have done half the mischief in these forty years, that a single despot would have done in a single year; or show half the riots and rebellions, the crimes and the punishments, which have taken place in any single nation, under kingly government, during the same period. The true foundation of republican government is the equal right of every citizen, in his person and property, and in their management. Try by this, as a tally, every provision of our constitution, and see if it hangs directly on the will of the people. Reduce your legislature to a convenient number for full, but orderly discussion. Let every man who fights or pays, exercise his just and equal right in their election. Submit them to approbation or rejection at short in-

tervals. Let the executive be chosen in the same way, and for the same term, by those whose agent he is to be; and leave no screen of a council behind which to skulk from responsibility. It has been thought that the people are not competent electors of judges *learned in the law*. But I do not know that this is true, and, if doubtful, we should follow principle. In this, as in many other elections, they would be guided by reputation, which would not err oftener, perhaps, than the present mode of appointment. In one State of the Union, at least, it has long been tried, and with the most satisfactory success. The judges of Connecticut have been chosen by the people every six months, for nearly two centuries, and I believe there has hardly ever been an instance of change; so powerful is the curb of incessant responsibility. If prejudice, however, derived from a monarchichal institution, is still to prevail against the vital elective principle of our own, and if the existing example among ourselves of periodical election of judges by the people be still mistrusted, let us at least not adopt the evil, and reject the good, of the English precedent; let us retain amovability on the concurrence of the executive and legislative branches, and nomination by the executive alone. Nomination to office is an executive function To give it to the legislature, as we do, is a violation of the principle of the separation of powers. It swerves the members from correctness, by temptations to intrigue for office themselves, and to a corrupt barter of votes; and destroys responsibility by dividing it among a multitude. By leaving nomination in its proper place, among executive functions, the principle of the distribution of power is preserved, and responsibility weighs with its heaviest force on a single head.

The organization of our county administrations may be thought more difficult. But follow principle, and the knot unties itself. Divide the counties into wards of such size as that every citizen can attend, when called on, and act in person. Ascribe to them the government of their wards in all things relating to themselves exclusively. A justice, chosen by themselves, in each, a constable, a military company, a patrol, a school, the care of their

own poor, their own portion of the public roads, the choice of one or more jurors to serve in some court, and the delivery, within their own wards, of their own votes for all elective officers of higher sphere, will relieve the county administration of nearly all its business, will have it better done, and by making every citizen an acting member of the government, and in the offices nearest and most interesting to him, will attach him by his strongest feelings to the independence of his country, and its republican constitution. The justices thus chosen by every ward, would constitute the county court, would do its judiciary business, direct roads and bridges, levy county and poor rates, and administer all the matters of common interest to the whole country. These wards, called townships in New England, are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government, and for its preservation. We should thus marshal our government into, 1, the general federal republic, for all concerns foreign and federal; 2, that of the State, for what relates to our own citizens exclusively; 3, the county republics, for the duties and concerns of the county; and 4, the ward republics, for the small, and yet numerous and interesting concerns of the neighborhood; and in government, as well as in every other business of life, it is by division and subdivision of duties alone, that all matters, great and small, can be managed to perfection. And the whole is cemented by giving to every citizen, personally, a part in the administration of the public affairs.

The sum of these amendments is, 1. General suffrage. 2. Equal representation in the legislature. 3. An executive chosen by the people. 4. Judges elective or amovable. 5. Justices, jurors, and sheriffs elective. 6. Ward divisions. And 7. Periodical amendments of the constitution.

I have thrown out these as loose heads of amendment, for consideration and correction; and their object is to secure self-government by the republicanism of our constitution, as well as by the spirit of the people; and to nourish and perpetuate that

spirit. I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between *economy and liberty*, or *profusion and servitude*. If we run into such debts, as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers. Our land-holders, too, like theirs, retaining indeed the title and stewardship of estates called theirs, but held really in trust for the treasury, must wander, like theirs, in foreign countries, and be contented with penury, obscurity, exile, and the glory of the nation. This example reads to us the salutary lesson, that private fortunes are destroyed by public as well as by private extravagance. And this is the tendency of all human governments. A departure from principle in one instance becomes a precedent for a second; that second for a third; and so on, till the bulk of the society is reduced to be mere automatons of misery, to have no sensibilities left but for sinning and suffering. Then begins, indeed, the *bellum omnium in omnia*, which some philosophers observing to be so general in this world, have mistaken it for the natural, instead of the abusive state of man. And the fore horse of this frightful team is public debt. Taxation follows that, and in its train wretchedness and oppression.

Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amend-

ment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors. It is this preposterous idea which has lately deluged Europe in blood. Their monarchs, instead of wisely yielding to the gradual change of circumstances, of favoring progressive accommodation to progressive improvement, have clung to old abuses, entrenched themselves behind steady habits, and obliged their subjects to seek through blood and violence rash and ruinous innovations, which, had they been referred to the peaceful deliberations and collected wisdom of the nation, would have been put into acceptable and salutary forms. Let us follow no such examples, nor weakly believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs. Let us, as our sister States have done, avail ourselves of our reason and experience, to correct the crude essays of our first and unexperienced, although wise, virtuous, and well-meaning councils. And lastly, let us provide in our constitution for its revision at stated periods. What these periods should be, nature herself indicates. By the European tables of mortality, of the adults living at any one moment of time, a majority will be dead in about nineteen years. At the

end of that period then, a new majority is come into place; or, in other words, a new generation. Each generation is as independent of the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness; consequently, to accommodate to the circumstances in which it finds itself, that received from its predecessors; and it is for the peace and good of mankind, that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the constitution; so that it may be handed on, with periodical repairs, from generation to generation, to the end of time, if anything human can so long endure. It is now forty years since the constitution of Virginia was formed. The same tables inform us, that, within that period, two-thirds of the adults then living are now dead. Have then the remaining third, even if they had the wish, the right to hold in obedience to their will, and to laws heretofore made by them, the other two-thirds, who, with themselves, compose the present mass of adults? If they have not, who has? The dead? But the dead have no rights. They are nothing; and nothing cannot own something. Where there is no substance, there can be no accident. This corporeal globe, and everything upon it, belong to its present corporeal inhabitants, during their generation. They alone have a right to direct what is the concern of themselves alone, and to declare the law of that direction; and this declaration can only be made by their majority. That majority, then, has a right to depute representatives to a convention, and to make the constitution what they think will be the best for themselves. But how collect their voice? This is the real difficulty. If invited by private authority, or county or district meetings, these divisions are so large that few will attend; and their voice will be imperfectly, or falsely pronounced. Here, then, would be one of the advantages of the ward divisions I have proposed. The mayor of every ward, on a question like the present, would call his ward together, take the simple yea or nay of its members, convey these to the county court, who would hand on those of all its wards

to the proper general authority; and the voice of the whole people would be thus fairly, fully, and peaceably expressed, discussed, and decided by the common reason of the society. If this avenue be shut to the call of sufferance, it will make itself heard through that of force, and we shall go on, as other nations are doing, in the endless circle of oppression, rebellion, reformation; and oppression, rebellion, reformation, again; and so on forever.

These, Sir, are my opinions of the governments we see among men, and of the principles by which alone we may prevent our own from falling into the same dreadful track. I have given them at greater length than your letter called for. But I cannot say things by halves; and I confide them to your honor, so to use them as to preserve me from the gridiron of the public papers. If you shall approve and enforce them, as you have done that of equal representation, they may do some good. If not, keep them to yourself as the effusions of withered age and useless time. I shall, with not the less truth, assure you of my great respect and consideration.

TO JOHN TAYLOR.

MONTICELLO, July 16. 1816.

DEAR SIR,—Yours of the 10th is received, and I have to acknowledge a copious supply of the turnip seed requested. Besides taking care myself, I shall endeavor again to commit it to the depository of the neighborhood, generally found to be the best precaution against losing a good thing. I will add a word on the political part of our letters. I believe we do not differ on either of the points you suppose. On education certainly not; of which the proofs are my bill for the diffusion of knowledge, proposed near forty years ago, and my uniform endeavors, to this day, to get our counties divided into wards, one of the principal objects of which is, the establishment of a primary school in each. But education not being a branch of municipal government, but, like the other arts and sciences, an accident only, I did

not place it, with election, as a fundamental member in the structure of government. Nor, I believe, do we differ as to the county courts. I acknowledge the value of this institution; that it is in truth our principal executive and judiciary, and that it does much for little *pecuniary* reward. It is their self-appointment I wish to correct; to find some means of breaking up a cabal, when such a one gets possession of the bench. When this takes place, it becomes the most afflicting of tyrannies, because its powers are so various, and exercised on everything most immediately around us. And how many instances have you and I known of these monopolies of county administration? I knew a county in which a particular family (a numerous one) got possession of the bench, and for a whole generation never admitted a man on it who was not of its clan or connexion. I know a county now of one thousand and five hundred militia, of which sixty are federalists. Its court is of thirty members, of whom twenty are federalists, (every third man of the sect.) There are large and populous districts in it without a justice, because without a federalist for appointment; the militia are as disproportionably under federal officers. And there is no authority on earth which can break up this junto, short of a general convention. The remaining one thousand four hundred and forty, free, fighting, and paying citizens, are governed by men neither of their choice or confidence, and without a hope of relief. They are certainly excluded from the blessings of a free government for life, and indefinitely, for aught the constitution has provided. This solecism may be called anything but republican, and ought undoubtedly to be corrected. I salute you with constant friendship and respect.

TO HIS EXCELLENCY GOVERNOR PLUMER.

MONTICELLO, July 21, 1816.

I thank you, Sir, for the copy you have been so good as to send me, of your late speech to the Legislature of your State, which I have read a second time with great pleasure, as I had be-

fore done in the public papers. It is replete with sound principles, and truly republican. Some articles, too, are worthy of peculiar notice. The idea that institutions established for the use of the nation cannot be touched nor modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in trust for the public, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself. Yet our lawyers and priests generally inculcate this doctrine, and suppose that preceding generations held the earth more freely than we do; had a right to impose laws on us, unalterable by ourselves, and that we, in like manner, can make laws and impose burthens on future generations, which they will have no right to alter; in fine, that the earth belongs to the dead and not the living. I remark also the phenomenon of a chief magistrate recommending the reduction of his own compensation. This is a solecism of which the wisdom of our late Congress cannot be accused. I, however, place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared. We see in England the consequences of the want of it, their laborers reduced to live on a penny in the shilling of their earnings, to give up bread, and resort to oatmeal and potatoes for food; and their landholders exiling themselves to live in penury and obscurity abroad, because at home the government must have all the clear profits of their land. In fact, they see the fee simple of the island transferred to the public creditors, all its profits going to them for the interest of their debts. Our laborers and landholders must come to this also, unless they severely adhere to the economy you recommend. I salute you with entire esteem and respect.

TO DOCTOR LOGAN.

MONTICELLO, July 23, 1816.

DEAR SIR,—I have received and read with great pleasure the account you have been so kind as to send me of the interview

between the Emperor Alexander and Mr. Clarkson, which I now return, as it is in manuscript. It shows great condescension of character on the part of the Emperor, and power of mind also, to be able to abdicate the artificial distance between himself and other good, able men, and to converse as on equal ground. This conversation too, taken with his late Christian league, seems to bespeak in him something like a sectarian piety; his character is undoubtedly good, and the world, I think, may expect good effects from it. I have no doubt that his firmness in favor of France, after the deposition of Bonaparte, has saved that country from evils still more severe than she is suffering, and perhaps even from partition. I sincerely wish that the history of the secret proceedings at Vienna may become known, and may reconcile to our good opinion of him his participation in the demolition of ancient and independent States, transferring them and their inhabitants as farms and stocks of cattle at a market to other owners, and even taking a part of the spoil to himself. It is possible to suppose a case excusing this, and my partiality for his character encourages me to expect it, and to impute to others, known to have no moral scruples, the crimes of that conclave, who, under pretence of punishing the atrocities of Bonaparte, reached them themselves, and proved that with equal power they were equally flagitious. But let us turn with abhorrence from these sceptered Scelerats, and disregarding our own petty diffences of opinion about men and measures, let us cling in mass to our country and to one another, and bid defiance, as we can if united, to the plundering combinations of the old world. Present me affectionately and respectfully to Mrs. Logan, and accept the assurance of my friendship and best wishes.

TO MR. DELAPLAINE.

MONTICELLO, July 26, 1816.

DEAR SIR,—In compliance with the request of your letter of the 6th inst., with respect to Peyton Randolph, I have to observe

that the difference of age between him and myself admitted my knowing little of his early life, except what I accidentally caught from occasional conversations. I was a student at college when he was already Attorney General at the bar, and a man of established years; and I had no intimacy with him until I went to the bar myself, when, I suppose, he must have been upwards of forty; from that time, and especially after I became a member of the legislature, until his death, our intimacy was cordial, and I was with him when he died. Under these circumstances, I have committed to writing as many incidents of his life as memory enabled me to do, and to give faith to the many and excellent qualities he possessed, I have mentioned those minor ones which he did not possess; considering true history, in which all will be believed, as preferable to unqualified panegyric, in which nothing is believed. I avoided, too, the mention of trivial incidents, which, by not distinguishing, disparage a character; but I have not been able to state early dates. Before forwarding this paper to you, I received a letter from Peyton Randolph, his great nephew, repeating the request you had made. I therefore put the paper under a blank cover, addressed to you, unsealed, and sent it to Peyton Randolph, that he might see what dates as well as what incidents might be collected, supplementary to mine, and correct any which I had inexactly stated; circumstances may have been misremembered, but nothing, I think, of substance. This account of Peyton Randolph, therefore, you may expect to be forwarded by his nephew.

You requested me when here, to communicate to you the particulars of two transactions in which I was myself an agent, to wit: the *coup de main* of Arnold on Richmond, and Tarleton's on Charlottesville. I now enclose them, detailed with an exactness on which you may rely with an entire confidence. But, having an insuperable aversion to be drawn into controversy in the public papers, I must request not to be quoted either as to these or the account of Peyton Randolph. Accept the assurances of my esteem and respect.

TO SIR JOHN SINCLAIR.

MONTICELLO, July 31. 1816.

DEAR SIR,—Your favor of November 1st came but lately to my hand. It covered a prospectus of your code of health and longevity, a great and useful work, which I shall be happy to see brought to a conclusion. Like our good old Franklin, your labors and science go all to the utilities of human life.

I reciprocate congratulations with you sincerely on the restoration of peace between our two nations. And why should there have been war? for the party to which the blame is to be imputed, we appeal to the "Exposition of the causes and character of the war," a pamphlet which, we are told, has gone through some editions with you. If that does not justify us, then the blame is ours. But let all this be forgotten; and let both parties now count soberly the value of mutual friendship. I am satisfied both will find that no advantage either can derive from any act of injustice whatever, will be of equal value with those flowing from friendly intercourse. Both ought to wish for peace and cordial friendship; we, because you can do us more harm than any other nation; and you, because we can do you more good than any other. Our growth is now so well established by regular enumerations through a course of forty years, and the same grounds of continuance so likely to endure for a much longer period, that, speaking in round numbers, we may safely call ourselves twenty millions in twenty years, and forty millions in forty years. Many of the statesmen now living saw the commencement of the first term, and many now living will see the end of the second. It is not then a mere concern of posterity; a third of those now in life will see that day. Of what importance then to you must such a nation be, whether as friends or foes. But is their friendship, dear Sir, to be obtained by the irritating policy of fomenting among us party discord, and a teasing opposition; by bribing traitors, whose sale of themselves proves they would sell their purchasers also, if their treacheries were worth a price? How much cheaper would it be, how much easier, more honorable, more magnani-

mous and secure, to gain the government itself, by a moral, a friendly, and respectful course of conduct, which is all they would ask for a cordial and faithful return. I know the difficulties arising from the irritation, the exasperation produced on both sides by the late war. It is great with you, as I judge from your newspapers; and greater with us, as I see myself. The reason lies in the different degrees in which the war has acted on us. To your people it has been a matter of distant history only, a mere war in the carnatic; with us it has reached the bosom of every man, woman and child. The maritime parts have felt it in the conflagration of their houses, and towns, and desolation of their farms; the borderers in the massacres and scalpings of their husbands, wives and children; and the middle parts in their personal labors and losses in defence of both frontiers, and the revolting scenes they have there witnessed. It is not wonderful then, if their irritations are extreme. Yet time and prudence on the part of the two governments may get over these. Manifestations of cordiality between them, friendly and kind offices made visible to the people on both sides, will mollify their feelings, and second the wishes of their functionaries to cultivate peace, and promote mutual interest. That these dispositions have been strong on our part, in every administration from the first to the present one, that we would at any time have gone our full halfway to meet them, if a single step in advance had been taken by the other party, I can affirm of my own intimate knowledge of the fact. During the first year of my own administration, I thought I discovered in the conduct of Mr. Addington some marks of comity towards us, and a willingness to extend to us the decencies and duties observed towards other nations. My desire to catch at this, and to improve it for the benefit of my own country, induced me, in addition to the official declarations from the Secretary of State, to write with my own hand to Mr. King, then our Minister Plenipotentiary at London, in the following words: "I avail myself of this occasion to assure you of my perfect satisfaction with the manner in which you have conducted the several matters committed to you by us; and to ex-

press my hope that through your agency, we may be able to remove everything inauspicious to a cordial friendship between this country, and the one in which you are stationed; a friendship dictated by too many considerations not to be felt by the wise and the dispassionate of both nations. It is, therefore, with the sincerest pleasure I have observed on the part of the British government various manifestations of a just and friendly disposition towards us; we wish to cultivate peace and friendship with all nations, believing that course most conducive to the welfare of our own; it is natural that these friendships should bear some proportion to the common interests of the parties. The interesting relations between Great Britain and the United States are certainly of the first order, and as such are estimated, and will be faithfully cultivated by us. These sentiments have been communicated to you from time to time, in the official correspondence of the Secretary of State; but I have thought it might not be unacceptable to be assured that they perfectly concur with my own personal convictions, both in relation to yourself, and the country in which you are."

My expectation was that Mr. King would show this letter to Mr. Addington, and that it would be received by him as an overture towards a cordial understanding between the two countries. He left the ministry, however, and I never heard more of it, and certainly never perceived any good effect from it. I know that in the present temper, the boastful, the insolent, and the mendacious newspapers on both sides, will present serious impediments. Ours will be insulting your public authorities, and boasting of victories; and yours will not be sparing of provocations and abuses of us. But if those at our helms could not place themselves above these pitiful notices, and throwing aside all personal feelings, look only to the interests of their nations, they would be unequal to the trusts confided to them. I am equally confident, on our part, in the administration now in place, as in that which will succeed it; and that if friendship is not hereafter sincerely cultivated, it will not be their fault. I will not, however, disguise that the settlement of the practice of impressing *our citi-*

zens is a *sine quâ non*, a preliminary, without which treaties of peace are but truces. But it is impossible that reasonable dispositions on both parts should not remove this stumbling block, which unremoved, will be an eternal obstacle to peace, and lead finally to the deletion of the one or the other nation. The regulations necessary to keep your own seamen to yourselves are those which our interests would lead us to adopt, and that interest would be a guarantee of their observance; and the transfer of these questions from the cognizance of their naval commanders to the governments themselves, would be but an act of mutual as well as of self-respect.

I did not mean, when I began my letter, to have indulged my pen so far on subjects with which I have long ceased to have connection; but it may do good, and I will let it go, for although what I write is from no personal privity with the views or wishes of our government, yet believing them to be what they ought to be, and confident in their wisdom and integrity, I am sure I hazard no deception in what I have said of them, and I shall be happy indeed if some good shall result to both our countries, from this renewal of our correspondence and ancient friendship. I recall with great pleasure the days of our former intercourse, personal and epistolary, and can assure you with truth that in no instant of time has there been any abatement of my great esteem and respect for you.

TO MR. ADAMS.

MONTICELLO, August 1, 1816.

DEAR SIR,—Your two philosophical letters of May 4th and 6th have been too long in my carton of "letters to be answered." To the question, indeed, on the utility of grief, no answer remains to be given. You have exhausted the subject. I see that, with the other evils of life, it is destined to temper the cup we are to drink.

> Two urns by Jove's high throne have ever stood,
> The source of evil one, and one of good;
> From thence the cup of mortal man he fills,
> Blessings to these, to those distributes ills;
> To most he mingles both.

Putting to myself your question, would I agree to live my seventy-three years over again forever? I hesitate to say. With Chew's limitations from twenty-five to sixty, I would say yes; and I might go further back, but not come lower down. For, at the latter period, with most of us, the powers of life are sensibly on the wane, sight becomes dim, hearing dull, memory constantly enlarging its frightful blank and parting with all we have ever seen or known, spirits evaporate, bodily debility creeps on palsying every limb, and so faculty after faculty quits us, and where then is life? If, in its full rigor, of good as well as evil, your friend Vassall could doubt its value, it must be purely a negative quantity when its evils alone remain. Yet I do not go into his opinion entirely. I do not agree that an age of pleasure is no compensation for a moment of pain. I think, with you, that life is a fair matter of account, and the balance often, nay generally, in its favor. It is not indeed easy, by calculation of intensity and time, to apply a common measure, or to fix the par between pleasure and pain; yet it exists, and is measurable. On the question, for example, whether to be cut for the stone? The young, with a longer prospect of years, think these overbalance the pain of the operation. Dr. Franklin, at the age of eighty, thought his residuum of life not worth that price. I should have thought with him, even taking the stone out of the scale. There is a ripeness of time for death, regarding others as well as ourselves, when it is reasonable we should drop off, and make room for another growth. When we have lived our generation out, we should not wish to encroach on another. I enjoy good health; I am happy in what is around me, yet I assure you I am ripe for leaving all, this year, this day, this hour. If it could be doubted whether we would go back to twenty-five, how can it be whether we would go forward from seventy-three?

Bodily decay is gloomy in prospect, but of all human contemplations the most abhorrent is body without mind. Perhaps, however, I might accept of time to read Grimm before I go. Fifteen volumes of anecdotes and incidents, within the compass of my own time and cognizance, written by a man of genius, of taste, of point, an acquaintance, the measure and traverses of whose mind I know, could not fail to turn the scale in favor of life during their perusal. I must write to Ticknor to add it to my catalogue, and hold on till it comes. There is a Mr. Vanderkemp of New York, a correspondent, I believe, of yours, with whom I have exchanged some letters without knowing who he is. Will you tell me? I know nothing of the history of the Jesuits you mention in four volumes. Is it a good one? I dislike, with you, their restoration, because it marks a retrograde step from light towards darkness. We shall have our follies without doubt. Some one or more of them will always be afloat. But ours will be the follies of enthusiasm, not of bigotry, not of Jesuitism. Bigotry is the disease of ignorance, of morbid minds; enthusiasm of the free and buoyant. Education and free discussion are the antidotes of both. We are destined to be a barrier against the returns of ignorance and barbarism. Old Europe will have to lean on our shoulders, and to hobble along by our side, under the monkish trammels of priests and kings, as she can. What a colossus shall we be when the southern continent comes up to our mark! What a stand will it secure as a ralliance for the reason and freedom of the globe! I like the dreams of the future better than the history of the past,—so good night! I will dream on, always fancying that Mrs. Adams and yourself are by my side marking the progress and the obliquities of ages and countries.

TO MRS. M. HARRISON SMITH.

MONTICELLO, August 6, 1816.

I have received, dear Madam, your very friendly letter of July 21st, and assure you that I feel with deep sensibility its kind ex-

pressions towards myself, and the more as from a person than whom no others could be more in sympathy with my own affections. I often call to mind the occasions of knowing your worth, which the societies of Washington furnished; and none more than those derived from your much valued visit to Monticello. I recognize the same motives of goodness in the solicitude you express on the rumor supposed to proceed from a letter of mine to Charles Thomson, on the subject of the Christian religion. It is true that, in writing to the translator of the Bible and Testament, that subject was mentioned; but equally so that no adherence to any particular mode of Christianity was there expressed, nor any change of opinions suggested. A change from what? the priests indeed have heretofore thought proper to ascribe to me religious, or rather anti-religious sentiments, of their own fabric, but such as soothed their resentments against the act of Virginia for establishing religious freedom. They wished him to be thought atheist, deist, or devil, who could advocate freedom from their religious dictations. But I have ever thought religion a concern purely between our God and our consciences, for which we were accountable to him, and not to the priests. I never told my own religion, nor scrutinized that of another. I never attempted to make a convert, nor wished to change another's creed. I have ever judged of the religion of others by their lives, and by this test, my dear Madam, I have been satisfied yours must be an excellent one, to have produced a life of such exemplary virtue and correctness. For it is in our lives, and not from our words, that our religion must be read. By the same test the world must judge me. But this does not satisfy the priesthood. They must have a positive, a declared assent to all their interested absurdities. My opinion is that there would never have been an infidel, if there had never been a priest. The artificial structures they have built on the purest of all moral systems, for the purpose of deriving from it pence and power, revolts those who think for themselves, and who read in that system only what is really there. These, therefore, they brand with such nick-names as their enmity choses gratuitously to impute.

I have left the world, in silence, to judge of causes from their effects; and I am consoled in this course, my dear friend, when I perceive the candor with which I am judged by your justice and discernment; and that, notwithstanding the slanders of the saints, my fellow citizens have thought me worthy of trusts. The imputations of irreligion having spent their force; they think an imputation of change might now be turned to account as a bolster for their duperies. I shall leave them, as heretofore, to grope on in the dark.

Our family at Monticello is all in good health; Ellen speaking of you with affection, and Mrs. Randolph always regretting the accident which so far deprived her of the happiness of your former visit. She still cherishes the hope of some future renewal of that kindness; in which we all join her, as in the assurances of affectionate attachment and respect.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, August 9, 1816.

DEAR SIR,—The biography of Mr. Vander Kemp would require a volume which I could not write if a million were offered me as a reward for the work. After a learned and scientific education he entered the army in Holland, and served as captain, with reputation; but loving books more than arms he resigned his commission and became a preacher. My acquaintance with him commenced at Leyden in 1790. He was then minister of the Menonist congregation, the richest in Europe; in that city, where he was celebrated as the most elegant writer in the Dutch language, he was the intimate friend of Luzac and De Gysecaar. In 1788, when the King of Prussia threatened Holland with invasion, his party insisted on his taking a command in the army of defence, and he was appointed to the command of the most exposed and most important post in the seven provinces. He was soon surrounded by the Prussian forces; but he defended his fortress with a prudence, fortitude, patience, and perseverance,

which were admired by all Europe; till, abandoned by his nation, destitute of provisions and ammunition, still refusing to surrender, he was offered the most honorable capitulation. He accepted it; was offered very advantageous proposals; but despairing of the liberties of his country, he retired to Antwerp, determined to emigrate to New York; wrote to me in London, requesting letters of introduction. I sent him letters to Governor Clinton, and several others of our little great men. His history in this country is equally curious and affecting. He left property in Holland, which the revolutions there have annihilated; and I fear is now pinched with poverty. His head is deeply learned and his heart is pure. I scarcely know a more amiable character.

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He has written to me occasionally, and I have answered his letters in great haste. You may well suppose that such a man has not always been able to understand our American politics. Nor have I. Had he been as great a master of our language as he was of his own, he would have been at this day one of the most conspicuous characters in the United States.

So much for Vander Kemp; now for your letter of August 1st. Your poet, the Ionian I suppose, ought to have told us whether Jove, in the distribution of good and evil from his two urns, observes any rule of equity or not; whether he thunders out flames of eternal fire on the many, and power, and glory, and felicity on the few, without any consideration of justice?

Let us state a few questions *sub rosâ*.

1. Would you accept a life, if offered you, of equal pleasure and pain? For example. One million of moments of pleasure, and one million of moments of pain! (1,000,000 moments of pleasuse = 1,000,000 moments of pain.) Suppose the pleasure as exquisite as any in life, and the pain as exquisite as any; for example, stone-gravel, gout, headache, earache, toothache, cholic, &c. I would not. I would rather be blotted out.

2. Would you accept a life of one year of incessant gout, headache, &c., for seventy-two years of such life as you have enjoyed? I would not. (One year of cholic = seventy-two of

Boule de Savon; pretty, but unsubstantial.) I had rather be extinguished. You may vary these Algebraical equations at pleasure and without end. All this ratiocination, calculation, call it what you will, is founded on the supposition of no future state. Promise me eternal life free from pain, although in all other respects no better than our present terrestrial existence, I know not how many thousand years of Smithfield fevers I would not endure to obtain it. In fine, without the supposition of a future state, mankind and this globe appear to me the most sublime and beautiful bubble, and bauble, that imagination can conceive.

Let us then wish for immortality at all hazards, and trust the Ruler with his skies. I do; and earnestly wish for his commands, which to the utmost of my power shall be implicitly and piously obeyed.

It is worth while to live to read Grimm, whom I have read; and La Harpe and Mademoiselle D'Espinasse the fair friend of D'Alembert, both of whom Grimm characterizes very distinguished, and are, I am told, in print. I have not seen them, but hope soon to have them.

My history of the Jesuits is not elegantly written, but is supported by unquestionable authorities, is very particular and very horrible. Their restoration is indeed a "step towards darkness," cruelty, perfidy, despotism, death and ——! I wish we were out of "danger of bigotry and Jesuitism"! May we be "a barrier against the returns of ignorance and barbarism"! "What a colossus shall we be"! But will it not be of brass, iron and clay? Your taste is judicious in liking better the dreams of the future, than the history of the past. Upon this principle I prophecy that you and I shall soon meet, and be better friends than ever. So wishes, J. A.

TO MR. ISAAC H. TIFFANY.

MONTICELLO, August 26, 1816.

SIR,—In answer to your inquiry as to the merits of Gillies' translation of the Politics of Aristotle, I can only say that it has

the reputation of being preferable to Ellis', the only rival translation into English. I have never seen it myself, and therefore do not speak of it from my own knowledge. But so different was the style of society then, and with those people, from what it is now and with us, that I think little edification can be obtained from their writings on the subject of government. They had just ideas of the value of personal liberty, but none at all of the structure of government best calculated to preserve it. They knew no medium between a democracy (the only pure republic, but impracticable beyond the limits of a town) and an abandonment of themselves to an aristocracy, or a tyranny independent of the people. It seems not to have occurred that where the citizens cannot meet to transact their business in person, they alone have the right to choose the agents who shall transact it; and that in this way a republican, or popular government, of the second grade of purity, may be exercised over any extent of country. The full experiment of a government democratical, but representative, was and is still reserved for us. The idea (taken, indeed, from the little specimen formerly existing in the English constitution, but now lost) has been carried by us, more or less, into all our legislative and executive departments; but it has not yet, by any of us, been pushed into all the ramifications of the system, so far as to leave no authority existing not responsible to the people; whose rights, however, to the exercise and fruits of their own industry, can never be protected against the selfishness of rulers not subject to their control at short periods. The introduction of this new principle of representative democracy has rendered useless almost everything written before on the structure of government; and, in a great measure, relieves our regret, if the political writings of Aristotle, or of any other ancient, have been lost, or are unfaithfully rendered or explained to us. My most earnest wish is to see the republican element of popular control pushed to the maximum of its practicable exercise. I shall then believe that our government may be pure and perpetual. Accept my respectful salutations.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, September 3, 1816.

DEAR SIR,—Dr. James Freeman is a learned, ingenious, honest and benevolent man, who wishes to see President Jefferson, and requests me to introduce him. If you would introduce some of your friends to me, I could, with more confidence, introduce mine to you. He is a Christian, but not a Pythagorian, a Platonic, or a Philonic Christian. You will ken him, and he will ken you; but you may depend he will never betray, deceive, or injure you.

Without hinting to him anything which had passed between you and me, I asked him your question, "*What are the uses of grief?*" He stared, and said "The question was new to him." All he could say at present was, that he had known, in his own parish, more than one instance of ladies who had been thoughtless, modish, extravagant in a high degree, who, upon the death of a child, had become thoughtful, modest, humble; as prudent, amiable women as any he had known. Upon this I read to him your letters and mine upon this subject of grief, with which he seemed to be pleased. You see I was not afraid to trust him, and you need not be.

Since I am, accidentally, invited to write to you, I may add a few words upon pleasures and pains of life. Vassall thought, an hundred years, nay, an eternity of pleasure, was no compensation for one hour of bilious cholic. Read again Molliores Spsyke, act 2d, scene 1st, on the subject of grief. And read in another place, "*on est payè de mille maux, par un heureux moment.*" Thus differently do men speak of pleasures and pains. Now, Sir, I will tease you with another question. What have been the *abuses* of grief?

In answer to this question, I doubt not you might write an hundred volumes. A few hints may convince you that the subject is ample.

1st. The death of Socrates excited a general sensibility of grief at Athens, in Attica, and in all Greece. Plato and Xeno-

phon, two of his disciples, took advantage of that sentiment, by employing their enchanting style to represent their master to be greater and better than he probably was; and what have been the effects of Socratic, Platonic, which were Pythagorian, which was Indian philosophy, in the world?

2d. The death of Cæsar, tyrant as he was, spread a general compassion, which always includes grief, among the Romans. The scoundrel Mark Antony availed himself of this momentary grief to destroy the republic, to establish the empire, and to proscribe Cicero.

3d. But to skip over all ages and nations for the present, and descend to our own times. The death of Washington diffused a general grief. The old tories, the hyperfederalists, the speculators, set up a general howl. Orations, prayers, sermons, mock funerals, were all employed, not that they loved Washington, but to keep in countenance the funding and banking system; and to cast into the background and the shade, all others who had been concerned in the service of their country in the Revolution.

4th. The death of Hamilton, under all its circumstances, produced a general grief. His most determined enemies did not like to get rid of him in that way. They pitied, too, his widow and children. His party seized the moment of public feeling to come forward with funeral orations, and printed panegyrics, reinforced with mock funerals and solemn grimaces, and all this by people who have buried Otis, Sam Adams, Hancock, and Gerry, in comparative obscurity. And why? Merely to disgrace the old Whigs, and keep the funds and banks in countenance.

5th. The death of Mr. Ames excited a general regret. His long consumption, his amiable character, and reputable talents, had attracted a general interest, and his death a general mourning. His party made the most of it, by processions, orations, and a mock funeral. And why? To glorify the Tories, to abash the Whigs, and maintain the reputation of funds, banks, and speculation. And all this was done in honor of that insignificant boy, by people who have let a Dance, a Gerry, and a Dexter, go to their graves without notice.

6th. I almost shudder at the thought of alluding to the most fatal example of the abuses of grief which the history of mankind has preserved—The Cross. Consider what calamities that engine of grief has produced! With the rational respect which is due to it, knavish priests have added prostitutions of it, that fill, or might fill, the blackest and bloodiest pages of human history.

I am with ancient friendly sentiments,

TO SAMUEL KERCHIVAL.

MONTICELLO, September 5, 1816.

SIR,—Your letter of August the 16th is just received. That which I wrote to you under the address of H. Tompkinson, was intended for the author of the pamphlet you were so kind as to send me, and therefore, in your hands, found its true destination. But I must beseech you, Sir, not to admit a possibility of its being published. Many good people will revolt from its doctrines, and my wish is to offend nobody; to leave to those who are to live under it, the settlement of their own constitution, and to pass in peace the remainder of my time. If those opinions are sound, they will occur to others, and will prevail by their own weight, without the aid of names, I am glad to see that the Staunton meeting has rejected the idea of a limited convention. The article, however, nearest my heart, is the division of counties into wards. These will be pure and elementary republics, the sum of all which, taken together, composes the State, and will make of the whole a true democracy as to the business of the wards, which is that of nearest and daily concern. The affairs of the larger sections, of counties, of States, and of the Union, not admitting personal transaction by the people, will be delegated to agents elected by themselves; and representation will thus be substituted, where personal action becomes impracticable. Yet, even over these representative organs, should they become corrupt and perverted, the division into wards constitut-

ing the people, in their wards, a regularly organized power, enables them by that organization to crush, regularly and peaceably, the usurpations of their unfaithful agents, and rescues them from the dreadful necessity of doing it insurrectionally. In this way we shall be as republican as a large society can be; and secure the continuance of purity in our government, by the salutary, peaceable, and regular control of the people. No other depositories of power have ever yet been found, which did not end in converting to their own profit the earnings of those committed to their charge. George the III. in execution of the trust confided to him, has, within his own day, loaded the inhabitants of Great Britain with debts equal to the whole fee-simple value of their island, and under pretext of governing it, has alienated its whole soil to creditors who could lend money to be lavished on priests, pensions, plunder and perpetual war. This would not have been so, had the people retained organized means of acting on their agents. In this example then, let us read a lesson for ourselves, and not "go and do likewise."

Since writing my letter of July the 12th, I have been told, that on the question of equal representation, our fellow citizens in some sections of the State claim peremptorily a right of representation for their slaves. Principle will, in this, as in most other cases, open the way for us to correct conclusion. Were our State a pure democracy, in which all its inhabitants should meet together to transact all their business, there would yet be excluded from their deliberations, 1, infants, until arrived at years of discretion. 2. Women, who, to prevent depravation of morals and ambiguity of issue, could not mix promiscuously in the public meetings of men. 3. Slaves, from whom the unfortunate state of things with us takes away the rights of will and of property. Those then who have no will could be permitted to exercise none in the popular assembly; and of course, could delegate none to an agent in a representative assembly. The business, in the first case, would be done by qualified citizens only. It is true, that in the general constitution, our State is allowed a larger representation on account of its slaves. But every one knows, that that

constitution was a matter of compromise; a capitulation between conflicting interests and opinions. In truth, the condition of different descriptions of inhabitants in any country is a matter of municipal arrangement, of which no foreign country has a right to take notice. All its inhabitants are men as to them. Thus, in the New England States, none have the powers of citizens but those whom they call *freemen;* and none are *freemen* until admitted by a vote of the freemen of the town. Yet, in the General Government, these non-freemen are counted in their quantum of representation and of taxation. So, slaves with us have no powers as citizens; yet, in representation in the General Government, they count in the proportion of three to five; and so also in taxation. Whether this is equal, is not here the question. It is a capitulation of discordant sentiments and circumstances, and is obligatory on that ground. But this view shows there is no inconsistency in claiming representation for them for the other States, and refusing it within our own. Accept the renewal of assurances of my respect.

TO JOHN ADAMS.

MONTICELLO, October 14, 1816.

Your letter, dear Sir, of May the 6th, had already well explained the uses of grief. That of September the 3d, with equal truth, adduces instances of its abuse; and when we put into the same scale these abuses, with the afflictions of soul which even the uses of grief cost us, we may consider its value in the economy of the human being, as equivocal at least. Those afflictions cloud too great a portion of life to find a counterpoise in any benefits derived from its uses. For setting aside its paroxysms on the occasions of special bereavements, all the latter years of aged men are overshadowed with its gloom. Whither, for instance, can you and I look without seeing the graves of those we have known? And whom can we call up, of our early companions, who has not left us to regret his loss? This, indeed,

may be one of the salutary effects of grief; inasmuch as it prepares us to loose ourselves also without repugnance. Doctor Freeman's instances of female levity cured by grief, are certainly to the point, and constitute an item of credit in the account we examine. I was much mortified by the loss of the Doctor's visit, by my absence from home. To have shown how much I feel indebted to you for making good people known to me, would have been one pleasure; and to have enjoyed that of his conversation, and the benefits of his information, so favorably reported by my family, would have been another. I returned home on the third day after his departure. The loss of such visits is among the sacrifices which my divided residence costs me.

Your undertaking the twelve volumes of Dupuis, is a degree of heroism to which I could not have aspired even in my younger days. I have been contented with the humble achievement of reading the analysis of his work by Destutt Tracy, in two hundred pages octavo. I believe I should have ventured on his own abridgment of the work, in one octavo volume, had it ever come to my hands; but the marrow of it in Tracy has satisfied my appetite; and even in that, the preliminary discourse of the analyzer himself, and his conclusion, are worth more in my eye than the body of the work. For the object of that seems to be to smother all history under the mantle of allegory. If histories so unlike as those of Hercules and Jesus, can, by a fertile imagination and allegorical interpretations, be brought to the same tally, no line of distinction remains between fact and fancy. As this pithy morsel will not overburthen the mail in passing and repassing between Quincy and Monticello, I send it for your perusal. Perhaps it will satisfy you, as it has me; and may save you the labor of reading twenty-four times its volume. I have said to you that it was written by Tracy; and I had so entered it on the title page, as I usually do on anonymous works whose authors are known to me. But Tracy requested me not to betray his anonyme, for reasons which may not yet, perhaps, have ceased to weigh. I am bound, then, to make the same reserve with you. Destutt Tracy is, in my judgment, the ablest writer living on intellectual sub-

jects, or the operations of the understanding. His three octavo volumes on Ideology, which constitute the foundation of what he has since written, I have not entirely read; because I am not fond of reading what is merely abstract, and unapplied immediately to some useful science. Bonaparte, with his repeated derisions of Ideologists (squinting at this author), has by this time felt that true wisdom does not lie in mere practice without principle. The next work Tracy wrote was the Commentary on Montesquieu, never published in the original, because not safe; but translated and published in Philadelphia, yet without the author's name. He has since permitted his name to be mentioned. Although called a Commentary, it is, in truth, an elementary work on the principles of government, comprised in about three hundred pages octavo. He has lately published a third work, on Political Economy, comprising the whole subject within about the same compass; in which all its principles are demonstrated with the severity of Euclid, and, like him, without ever using a superfluous word. I have procured this to be translated, and have been four years endeavoring to get it printed; but as yet, without success. In the meantime, the author has published the original in France, which he thought unsafe while Bonaparte was in power. No printed copy, I believe, has yet reached this country. He has his fourth and last work now in the press at Paris, closing, as he conceives, the circle of metaphysical sciences. This work, which is on Ethics, I have not seen, but suspect I shall differ from it in its foundation, although not in its deductions. I gather from his other works that he adopts the principle of Hobbes, that justice is founded in contract solely, and does not result from the construction of man. I believe, on the contrary, that it is instinct and innate, that the moral sense is as much a part of our constitution as that of feeling, seeing, or hearing; as a wise creator must have seen to be necessary in an animal destined to live in society; that every human mind feels pleasure in doing good to another; that the non-existence of justice is not to be inferred from the fact that the same act is deemed virtuous and right in one society which is held vicious

and wrong in another; because, as the circumstances and opinions of different societies vary, so the acts which may do them right or wrong must vary also; for virtue does not consist in the act we do, but in the end it is to effect. If it is to effect the happiness of him to whom it is directed, it is virtuous, while in a society under different circumstances and opinions, the same act might produce pain, and would be vicious. The essence of virtue is in doing good to others, while what is good may be one thing in one society, and its contrary in another. Yet, however we may differ as to the foundation of morals, (and as many foundations have been assumed as there are writers on the subject nearly,) so correct a thinker as Tracy will give us a sound system of morals. And, indeed, it is remarkable, that so many writers, setting out from so many different premises, yet meet all in the same conclusions. This looks as if they were guided, unconsciously, by the unerring hand of instinct.

Your history of the Jesuits, by what name of the author or other description is it to be inquired for?

What do you think of the present situation of England? Is not this the great and fatal crush of their funding system, which, like death, has been foreseen by all, but its hour, like that of death, hidden from mortal prescience? It appears to me that all the circumstances now exist which render recovery desperate. The interest of the national debt is now equal to such a portion of the profits of all the land and the labor of the island, as not to leave enough for the subsistence of those who labor. Hence the owners of the land abandon it and retire to other countries, and the laborer has not enough of his earnings left to him to cover his back and to fill his belly. The local insurrections, now almost general, are of the hungry and the naked, who cannot be quieted but by food and raiment. But where are the means of feeding and clothing them? The landholder has nothing of his own to give; he is but the fiduciary of those who have lent him money; the lender is so taxed in his meat, drink and clothing, that he has but a bare subsistence left. The landholder, then, must give up his land, or the lender his debt, or they must com-

promise by giving up each one-half. But will either consent, *peaceably*, to such an abandonment of property? Or must it not be settled by civil conflict? If peaceably compromised, will they agree to risk another ruin under the same government unreformed? I think not; but I would rather know what you think; because you have lived with John Bull, and know better than I do the character of his herd. I salute Mrs. Adams and yourself with every sentiment of affectionate cordiality and respect.

TO THE SECRETARY OF STATE.

MONTICELLO, October 16, 1816.

DEAR SIR,—If it be proposed to place an inscription on the capitol, the lapidary style requires that essential facts only should be stated, and these with a brevity admitting no superfluous word. The essential facts in the two inscriptions proposed are these:

FOUNDED 1791.—BURNT BY A BRITISH ARMY 1814.—RESTORED BY CONGRESS 1817.

The reasons for this brevity are that the letters must be of extraordinary magnitude to be read from below; that little space is allowed them, being usually put into a pediment or in a frize, or on a small tablet on the wall; and in our case, a third reason may be added, that no passion can be imputed to this inscription, every word being justifiable from the most classical examples.

But a question of more importance is whether there should be one at all? The barbarism of the conflagration will immortalize that of the nation. It will place them forever in degraded comparison with the execrated Bonaparte, who, in possession of almost every capitol in Europe, injured no one. Of this, history will take care, which all will read, while our inscription will be seen by few. Great Britain, in her pride and ascendency, has certainly hated and despised us beyond every earthly object. Her hatred may remain, but the hour of her contempt is passed and is succeeded by dread; not a present, but a distant and deep

one. It is the greater as she feels herself plunged into an abyss of ruin from which no human means point out an issue. We also have more reason to hate her than any nation on earth. But she is not now an object for hatred. She is falling from her transcendant sphere, which all men ought to have wished, but not that she should lose all place among nations. It is for the interest of all that she should be maintained, *nearly* on a par with other members of the republic of nations. Her power, absorbed into that of any other, would be an object of dread to all, and to us more than all, because we are accessible to her alone and through her alone. The armies of Bonaparte with the fleets of Britain, would change the aspect of our destinies. Under these prospects should we perpetuate hatred against her? Should we not, on the contrary, begin to open ourselves to other and more rational dispositions? It is not improbable that the circumstances of the war and her own circumstances may have brought her wise men to begin to view us with other and even with kindred eyes. Should not our wise men, then, lifted above the passions of the ordinary citizen, begin to contemplate what *will be* the interests of our country on so important a change among the elements which influence it? I think it would be better to give her time to show her present temper, and to prepare the minds of our citizens for a corresponding change of disposition, by acts of comity towards England rather than by commemoration of hatred. These views might be greatly extended. Perhaps, however, they are premature, and that I may see the ruin of England nearer than it really is. This will be matter of consideration with those to whose councils we have commited ourselves, and whose wisdom, I am sure, will conclude on what is best. Perhaps they may let it go off on the single and short consideration that the thing can do no good, and may do harm. Ever and affectionately yours.

TO JOHN ADAMS.

POPLAR FOREST, November 25, 1816.

I receive here, dear Sir, your favor of the 4th, just as I am preparing my return to Monticello for winter quarters, and I hasten to answer to some of your inquiries. The Tracy I mentioned to you is the one connected by marriage with Lafayette's family. The mail which brought your letter, brought one also from him. He writes me that he is become blind, and so infirm that he is no longer able to compose anything. So that we are to consider his works as now closed. They are three volumes of Ideology, one on Political Economy, one on Ethics, and one containing his Commentary on Montesquieu, and a little tract on Education. Although his commentary explains his principles of government, he had intended to have substituted for it an elementary and regular treatise on the subject, but he is prevented by his infirmities. His Analyse de Dupuys he does not avow.

My books are all arrived, some at New York, some at Boston, and I am glad to hear that those for Harvard are safe also, and the Uranologia you mention without telling me what it is. It is something good, I am sure, from the name connected with it; and if you would add to it your fable of the bees, we should receive valuable instruction as to the Uranologia both of the father and son, more valuable than the Chinese will from our bible societies. These incendiaries, finding that the days of fire and fagot are over in the Atlantic hemisphere, are now preparing to put the torch to the Asiatic regions. What would they say were the Pope to send annually to this country, colonies of Jesuit priests with cargoes of their missal and translations of their Vulgate, to be put gratis into the hands of every one who would accept them? and to act thus nationally on us as a nation?

I proceed to the letter you were so good as to enclose me. It is an able letter, speaks volumes in few words, presents a profound view of awful truths, and lets us see truths more awful, which are still to follow. George the Third then, and his minister Pitt, and successors, have spent the fee simple of the

kingdom, under pretence of governing it; their sinecures, salaries, pensions, priests, prelates, princes and eternal wars, have mortgaged to its full value the last foot of their soil. They are reduced to the dilemma of a bankrupt spendthrift, who, having run through his whole fortune, now asks himself what he is to do? It is in vain he dismisses his coaches and horses, his grooms, liveries, cooks and butlers. This done, he still finds he has nothing to eat. What was his property is now that of his creditors; if still in his hands, it is only as their trustee. To them it belongs, and to them every farthing of its profits must go. The reformation of extravagances comes too late. All is gone. Nothing left for retrenchment or frugality to go on. The debts of England, however, being due from the whole nation to one half of it, being as much the debt of the creditor as debtor, if it could be referred to a court of equity, principles might be devised to adjust it peaceably. Dismiss their parasites, ship off their paupers to this country, let the landholders give half their lands to the money lenders, and these last relinquish one half of their debts. They would still have a fertile island, a sound and effective population to labor it, and would hold that station among political powers, to which their natural resources and faculties entitle them. They would no longer, indeed, be the lords of the ocean and paymasters of all the princes of the earth. They would no longer enjoy the luxuries of pirating and plundering everything by sea, and of bribing and corrupting everything by land; but they might enjoy the more safe and lasting luxury of living on terms of equality, justice and good neighborhood with all nations. As it is, their first efforts will probably be to quiet things awhile by the palliatives of reformation; to nibble a little at pensions and sinecures, to bite off a bit here, and a bite there to amuse the people; and to keep the government a going by encroachments on the interest of the public debt, one per cent. of which, for instance, withheld, gives them a spare revenue of ten millions for present subsistence, and spunges, in fact, two hundred millions of the debt. This remedy they may endeavor to administer in broken doses of a small pill at a time. The first

may not occasion more than a strong nausea in the money lenders; but the second will probably produce a revulsion of the stomach, borborisms, and spasmodic calls for fair settlement and compromise. But it is not in the character of man to come to any peaceable compromise of such a state of things. The princes and priests will hold to the flesh-pots, the empty bellies will seize on them, and these being the multitude, the issue is obvious, civil war, massacre, exile as in France, until the stage is cleaned of everything but the multitude, and the lands get into their hands by such processes as the revolution will engender. They will then want peace and a government, and what will it be? certainly not a renewal of that which has already ruined them. Their habits of law and order, their ideas almost innate of the vital elements of free government, of trial by jury, *habeas corpus*, freedom of the press, freedom of opinion, and representative government, make them, I think, capable of bearing a considerable portion of liberty. They will probably turn their eyes to us, and be disposed to tread in our footsteps, seeing how safely these have led us into port. There is no part of our model to which they seem unequal, unless perhaps the elective presidency; and even that might possibly be rescued from the tumult of elections, by subdividing the electoral assemblages into very small parts, such as of wards or townships, and making them simultaneous. But you know them so much better than I do, that it is presumption to offer my conjectures to you.

While it is much our interest to see this power reduced from its towering and borrowed height, to within the limits of its natural resources, it is by no means our interest that she should be brought below that, or lose her competent place among the nations of Europe. The present exhausted state of the continent will, I hope, permit them to go through their struggle without foreign interference, and to settle their new government according to their own will. I think it will be friendly to us, as the nation itself would be were it not artfully wrought up by the hatred their government bears us. And were they once un-

der a government which should treat us with justice and equity, I should myself feel with great strength the ties which bind us together, of origin, language, laws and manners; and I am persuaded the two people would become in future, as it was with the ancient Greeks, among whom it was reproachful for Greek to be found fighting against Greek in a foreign army. The individuals of the nation I have ever honored and esteemed, the basis of their character being essentially worthy; but I consider their government as the most flagitious which has existed since the days of Philip of Macedon, whom they make their model. It is not only founded in corruption itself, but insinuates the same poison into the bowels of every other, corrupts its councils, nourishes factions, stirs up revolutions, and places its own happiness in fomenting commotions and civil wars among others, thus rendering itself truly the *hostis humani generis*. The effect is now coming home to itself. Its first operation will fall on the individuals who have been the chief instruments in its corruptions, and will eradicate the families which have from generation to generation been fattening on the blood of their brethren; and this scoria once thrown off, I am in hopes a purer nation will result, and a purer government be instituted, one which, instead of endeavoring to make us their natural enemies, will see in us, what we really are, their natural friends and brethren, and more interested in a fraternal connection with them than with any other nation on earth. I look, therefore, to their revolution with great interest. I wish it to be as moderate and bloodless as will effect the desired object of an honest government, one which will permit the world to live in peace, and under the bonds of friendship and good neighborhood.

In this tremendous tempest, the distinctions of whig and tory will disappear like chaff on a troubled ocean. Indeed, they have been disappearing from the day Hume first began to publish his history. This single book has done more to sap the free principles of the English constitution than the largest standing army of which their patriots have been so jealous. It is like the portraits of our countryman Wright, whose eye was so unhappy as

to seize all the ugly features of his subject, and to present them faithfully, while it was entirely insensible to every lineament of beauty. So Hume has concentrated, in his fascinating style, all the arbitrary proceedings of the English kings, as true evidences of the constitution, and glided over its whig principles as the unfounded pretensions of factious demagogues. He even boasts, in his life written by himself, that of the numerous alterations suggested by the readers of his work, he had never adopted one proposed by a whig.

But what, in this same tempest, will become of their colonies and their fleets? Will the former assume independence, and the latter resort to piracy for subsistence, taking possession of some island as a *point d'appui?* A pursuit of these would add too much to the speculations on the situation and prospects of England, into which I have been led by the pithy text of the letter you so kindly sent me, and which I now return. It is worthy the pen of Tacitus. I add, therefore, only my affectionate and respectful souvenirs to Mrs. Adams and yourself.

JOHN ADAMS TO THOMAS JEFFERSON.

Quincy, December 16, 1816.

Your letter, dear Sir, of November 25th, from Poplar Forest, was sent to me from the post-office the next day after I had sent "The Analysis," with my thanks to you.

"Three vols. of Idiology!" Pray explain to me this Neological title! What does it mean? When Bonaparte used it, I was delighted with it, upon the common principle of delight in everything we cannot understand. Does it mean Idiotism? The science of *non compos mentuism?* The science of Lunacy? The theory of delirium? or does it mean the science of self-love? Of *amour propre?* or the elements of vanity?

Were I in France at this time, I could profess blindness and infirmity, and prove it too. I suppose he does not avow the analysis, as Hume did not avow his essay on human nature. That

analysis, however, does not show a man of excessive mediocrity. Had I known any of these things two years ago, I would have written him a letter. Of all things, I wish to see his Idiology upon Montesquieu. If you, with all your influence, have not been able to get your own translation of it, with your own notes upon it, published in four years, where and what is the freedom of the American press? Mr. Taylor of Hazelwood, Port Royal, can have his voluminous and luminous works published with ease and despatch.

The Uranologia, as I am told, is a collection of plates, stamps, charts of the Heavens upon a large scale, representing all the constellations. The work of some Professor in Sweden. It is said to be the most perfect that ever has appeared. I have not seen it. Why should I ride fifteen miles to see it, when I can see the original every clear evening; and especially as Dupuis has almost made me afraid to inquire after anything more of it than I can see with my naked eye in a star-light night?

That the Pope will send Jesuits to this country, I doubt not; and the church of England, missionaries too. And the Methodists, and the Quakers, and the Moravians, and the Swedenburgers, and the Menonists, and the Scottish Kirkers, and the Jacobites, and the Jacobins, and the Democrats, and the Aristocrats, and the Monarchists, and the Despotists of all denominations: and every emissary of every one of these sects will find a party here already formed, to give him a cordial reception. No power or intelligence less than Raphael's moderator, can reduce this chaos to order.

I am charmed with the fluency and rapidity of your reasoning on the state of Great Britain. I can deny none of your premises; but I doubt your conclusion. After all the convulsions that you foresee, they will return to that constitution which you say has ruined them, and I say has been the source of all their power and importance. They have, as you say, too much sense and knowledge of liberty, ever to submit to simple monarchy, or absolute despotism, on the one hand; and too much of the devil in them ever to be governed by popular elections of Presidents, Senators, and Representatives in Congress. Instead of "turning their eyes

to us," their innate feelings will turn them from us. They have been taught from their cradles to despise, scorn, insult, and abuse us. They hate us more vigorously than they do the French. They would sooner adopt the simple monarchy of France, than our republican institutions. You compliment me with more knowledge of them than I can assume or pretend. If I should write you a volume of observations I made in England, you would pronounce it a satire. Suppose the "Refrain," as the French call it, or the Burthen of the Song, as the English express it, should be, the Religion, the Government, the Commerce, the Manufactures, the Army and Navy of Great Britain, are all reduced to the science of pounds, shillings and pence. Elections appeared to me a mere commercial traffic; mere bargain and sale. I have been told by sober, steady freeholders, that "they never had been, and never would go to the poll, without being paid for their time, travel and expenses." Now, suppose an election for a President of the British empire. There must be a nomination of candidates by a national convention, Congress, or caucus —in which would be two parties—Whigs and Tories. Of course two candidates at least would be nominated. The empire is instantly divided into two parties at least. Every man must be paid for his vote by the candidate of his party. The only question would be, which party has the deepest purse. The same reasoning will apply to elections of Senators and Representatives too. A revolution might destroy the Burroughs and the Inequalities of representation, and might produce more toleration; and these acquisitions might be worth all they would cost; but I dread the experiment.

Britain will never be our friend till we are her master.

This will happen in less time than you and I have been struggling with her power; provided we remain united. Aye! there's the rub! I fear there will be greater difficulties to preserve our Union, than you and I, our fathers, brothers, friends, disciples and sons have had, to form it. Towards Great Britain, I would adopt their own maxim. An English jockey says, "If I have a wild horse to break, I begin by convincing him I am his master:

and then I will convince him that I am his friend." I am well assured that nothing will restrain Great Britain from injuring us, but fear.

You think that "in a revolution the distinction of Whig and Tory would disappear." I cannot believe this. That distinction arises from nature and society; is now, and ever will be, time without end, among Negroes, Indians, and Tartars, as well as federalists and republicans. Instead of "disappearing since Hume published his history," that history has only increased the Tories and diminished the Whigs. That history has been the bane of Great Britain. It has destroyed many of the best effects of the revolution of 1688. Style has governed the empire. Swift, Pope and Hume, have disgraced all the honest historians. Rapin and Burnet, Oldmixen and Coke, contain more honest truth than Hume and Clarendon, and all their disciples and imitators. But who reads any of them at this day? Every one of the fine arts from the earliest times has been enlisted in the service of superstition and despotism. The whole world at this day gazes with astonishment at the grossest fictions, because they have been immortalized by the most exquisite artists—Homer and Milton, Phideas and Raphael. The rabble of the classic skies, and the hosts of Roman Catholic saints and angels, are still adored in paint, and marble, and verse. Raphael has sketched the actors and scenes in all Apuleus's Amours of Psyche and Cupid. Nothing is too offensive to morals, delicacy, or decency, for this painter. Raphael has painted in one of the most ostentatious churches in Italy—the Creation—and with what genius? God Almighty is represented as leaping into chaos, and boxing it about with his fists, and kicking it about with his feet, till he tumbles it into order!

Nothing is too impious or profane for this great master, who has painted so many inimitable virgins and children.

To help me on in my career of improvement, I have now read four volumes of La Harpe's correspondence with Paul and a Russian minister. Philosophers! Never again think of annuling superstition per Saltum. *Testine cente.*

TO MR. MELLISH.

MONTICELLO, December 31, 1816.

SIR,—Your favor of November 23d, after a very long passage, is received, and with it the map which you have been so kind as to send me, for which I return you many thanks. It is handsomely executed, and on a well-chosen scale; giving a luminous view of the comparative possessions of different powers in our America. It is on account of the value I set on it, that I will make some suggestions. By the charter of Louis XIV. all the country comprehending the waters which flow into the Mississippi, was made a part of Louisiana. Consequently its northern boundary was the summit of the highlands in which its northern waters rise. But by the Xth Art. of the Treaty of Utrecht, France and England agreed to appoint commissioners to settle the boundary between their possessions in that quarter, and those commissioners settled it at the 49th degree of latitude. See Hutchinson's Topographical Description of Louisiana, p. 7. This it was which induced the British Commissioners, in settling the boundary with us, to follow the northern water line to the Lake of the Woods, at the latitude of 49°, and then go off on that parallel. This, then, is the true northern boundary of Louisiana.

The western boundary of Louisiana is, rightfully, the Rio Bravo, (its main stream,) from its mouth to its source, and thence along the highlands and mountains dividing the waters of the Mississippi from those of the Pacific. The usurpations of Spain on the east side of that river, have induced geographers to suppose the Puerco or Salado to be the boundary. The line along the highlands stands on the charter of Louis XIV. that of the Rio Bravo, on the circumstance that, when La Salle took possession of the Bay of St. Bernard, Panuco was the nearest possession of Spain, and the Rio Bravo the natural half-way boundary between them.

On the waters of the Pacific, we can found no claim in right of Louisiana. If we claim that country at all, it must be on Astor's settlement near the mouth of the Columbia, and the prin-

ciple of the *jus gentium* of America, that when a civilized nation takes possession of the mouth of a river in a new country, that possession is considered as including all its waters.

The line of latitude of the southern source of the multnomat might be claimed as appurtenant to Astoria. For its northern boundary, I believe an understanding has been come to between our government and Russia, which might be known from some of its members. I do not know it.

Although the irksomeness of writing, which you may perceive from the present letter, and its labor, oblige me now to withdraw from letter writing, yet the wish that your map should set to rights the ideas of our own countrymen, as well as foreign nations, as to our correct boundaries, has induced me to make these suggestions, that you may bestow on them whatever inquiry they may merit. I salute you with esteem and respect.

TO MRS. ADAMS.

MONTICELLO, January 11, 1817.

I owe you, dear Madam, a thousand thanks for the letters communicated in your favor of December 15th, and now returned. They give me more information than I possessed before, of the family of Mr. Tracy. But what is infinitely interesting, is the scene of the exchange of Louis XVIII. for Bonaparte. What lessons of wisdom Mr. Adams must have read in that short space of time! More than fall to the lot of others in the course of a long life. Man, and the man of Paris, under those circumstances, must have been a subject of profound speculation! It would be a singular addition to that spectacle, to see the same beast in the cage of St. Helena, like a lion in the tower. That is probably the closing verse of the chapter of his crimes. But not so with Louis. He has other vicissitudes to go through.

I communicated the letters, according to your permission, to my grand-daughter, Ellen Randolph, who read them with pleasure and edification. She is justly sensible of, and flattered by

your kind notice of her; and additionally so, by the favorable recollections of our northern visiting friends. If Monticello has anything which has merited their remembrance, it gives it a value the more in our estimation; and could I, in the spirit of your wish, count backwards a score of years, it would not be long before Ellen and myself would pay our homage personally to Quincy. But those twenty years! Alas! where are they? With those beyond the flood. Our next meeting must then be in the country to which they have flown,—a country for us not now very distant. For this journey we shall need neither gold nor silver in our purse, nor scrip, nor coats, nor staves. Nor is the provision for it more easy than the preparation has been kind. Nothing proves more than this, that the Being who presides over the world is essentially benevolent. Stealing from us, one by one, the faculties of enjoyment, searing our sensibilities, leading us, like the horse in his mill, round and round the same beaten circle,

> ——To see what we have seen,
> To taste the tasted, and at each return
> Less tasteful; o'er our palates to decant
> Another vintage—

Until satiated and fatigued with this leaden iteration, we ask our own *congé*. I heard once a very old friend, who had troubled himself with neither poets nor philosophers, say the same thing in plain prose, that he was tired of pulling off his shoes and stockings at night, and putting them on again in the morning. The wish to stay here is thus gradually extinguished; but not so easily that of returning once, in awhile, to see how things have gone on. Perhaps, however, one of the elements of future felicity is to be a constant and unimpassioned view of what is passing here. If so, this may well supply the wish of occasional visits. Mercier has given us a vision of the year 2440; but prophecy is one thing, and history another. On the whole, however, perhaps it is wise and well to be contented with the good things which the master of the feast places before us, and to be thankful for what we have, rather than thoughtful about what

we have not. You and I, dear Madam, have already had more than an ordinary portion of life, and more, too, of health than the general measure. On this score I owe boundless thankfulness. Your health was, some time ago, not so good as it has been; and I perceive in the letters communicated, some complaints still. I hope it is restored; and that life and health may be continued to you as many years as yourself shall wish, is the sincere prayer of your affectionate and respectful friend.

TO JOHN ADAMS.

MONTICELLO, January 11, 1817.

DEAR SIR,—Forty-three volumes read in one year, and twelve of them quarto! Dear Sir, how I envy you! Half a dozen octavos in that space of time, are as much as I am allowed. I can read by candlelight only, and stealing long hours from my rest; nor would that time be indulged to me, could I by that light see to write. From sunrise to one or two o'clock, and often from dinner to dark, I am drudging at the writing table. And all this to answer letters into which neither interest nor inclination on my part enters; and often from persons whose names I have never before heard. Yet, writing civilly, it is hard to refuse them civil answers. This is the burthen of my life, a very grievous one indeed, and one which I must get rid of. Delaplaine lately requested me to give him a line on the subject of his book; meaning, as I well knew, to publish it. This I constantly refuse; but in this instance yielded, that in saying a word for him, I might say two for myself. I expressed in it freely my sufferings from this source; hoping it would have the effect of an indirect appeal to the discretion of those, strangers and others, who, in the most friendly dispositions, oppress me with their concerns, their pursuits, their projects, inventions and speculations, political, moral, religious, mechanical, mathematical, historical, &c., &c., &c. I hope the appeal will bring me relief, and that I shall be left to exercise and enjoy correspondence with

the friends I love, and on subjects which they, or my own inclinations present. In that case, your letters shall not be so long on my files unanswered, as sometimes they have been, to my great mortification.

To advert now to the subjects of those of December the 12th and 16th. Tracy's Commentaries on Montesquieu have never been published in the original. Duane printed a translation from the original manuscript a few years ago. It sold, I believe, readily, and whether a copy can now be had, I doubt. If it can, you will receive it from my bookseller in Philadelphia, to whom I now write for that purpose. Tracy comprehends, under the word "Ideology," all the subjects which the French term *Morale*, as the correlative to *Physique*. His works on Logic, Government, Political Economy and Morality, he considers as making up the circle of ideological subjects, or of those which are within the scope of the understanding, and not of the senses. His Logic occupies exactly the ground of Locke's work on the Understanding. The translation of that on Political Economy is now printing; but it is no translation of mine. I have only had the correction of it, which was, indeed, very laborious. *Le premier jet* having been by some one who understood neither French or English, it was impossible to make it more than faithful. But it is a valuable work.

The result of your fifty or sixty years of religious reading, in the four words, "Be just and good," is that in which all our inquiries must end; as the riddles of all the priesthoods end in four more, "*ubi panis, ibi deus.*" What all agree in, is probably right. What no two agree in, most probably wrong. One of our fan-coloring biographers, who paints small men as very great, inquired of me lately, with real affection too, whether he might consider as authentic, the change in my religion much spoken of in some circles. Now this supposed that they knew what had been my religion before, taking for it the word of their priests, whom I certainly never made the confidants of my creed. My answer was, "say nothing of my religion. It is known to my God and myself alone. Its evidence before the world is to

be sought in my life; if that has been *honest and dutiful* to society, the religion which has regulated it cannot be a bad one." Affectionately adieu.

TO WILLIAM LEE, ESQ.

MONTICELLO, January 16, 1817.

DEAR SIR,—I received, three days ago, a letter from M. Martin, 2d Vice President, and M. Parmantier, Secretary of "the French Agricultural and Manufacturing Society," dated at Philadelphia the 5th instant. It covered resolutions proposing to apply to Congress for a grant of two hundred and fifty thousand acres of land on the Tombigbee, and stating some of the general principles on which the society was to be founded; and their letter requested me to trace for them the basis of a social pact for the local regulations of their society, and to address the answer to yourself, their 1st Vice President at Washington. No one can be more sensible than I am of the honor of their confidence in me, so flatteringly manifested in this resolution; and certainly no one can feel stronger dispositions than myself to be useful to them, as well in return for this great mark of their respect, as from feelings for the situation of strangers, forced by the misfortunes of their native country to seek another by adoption, so distant and so different from that in all its circumstances. I commiserate the hardships they have to encounter, and equally applaud the resolution with which they meet them, as well as the principles proposed for their government. That their emigration may be for the happiness of their descendants, I can believe; but from the knowledge I have of the country they have left, and its state of social intercourse and comfort, their own personal happiness will undergo severe trial here. The laws, however, which must effect this must flow from their own habits, their own feelings, and the resources of their own minds. No stranger to these could possibly propose regulations adapted to them. Every people have their own particular habits, ways of thinking, manners, &c., which have grown up with them from

their infancy are become a part of their nature, and to which the regulations which are to make them happy must be accommodated. No member of a foreign country can have a sufficient sympathy with these. The institutions of Lycurgus, for example, would not have suited Athens, nor those of Solon, Lacedæmon. The organizations of Locke were impracticable for Carolina, and those of Rousseau and Mably for Poland. Turning inwardly on myself from these eminent illustrations of the truth of my observation, I feel all the presumption it would manifest, should I undertake to do what this respectable society is alone qualified to do suitably for itself. There are some preliminary questions, too, which are particularly for their own consideration. Is it proposed that this shall be a separate State? or a county of a State? or a mere voluntary association, as those of the Quakers, Dunkars, Menonists? A separate State it cannot be, because from the tract it asks it would not be more than twenty miles square; and in establishing new States, regard is had to a certain degree of equality in size. If it is to be a county of a State, it cannot be governed by its own laws, but must be subject to those of the State of which it is a part. If merely a voluntary association, the submission of its members will be merely voluntary also; as no act of coercion would be permitted by the general law. These considerations must control the society, and themselves alone can modify their own intentions and wishes to them. With this apology for declining a task to which I am so unequal, I pray them to be assured of my sincere wishes for their success and happiness, and yourself particularly of my high consideration and esteem.

TO DOCTOR THOMAS HUMPHREYS.

MONTICELLO, February 8, 1817.

DEAR SIR,—Your favor of January 2d did not come to my hands until the 5th instant. I concur entirely in your leading principles of gradual emancipation, of establishment on the coast

of Africa, and the patronage of our nation until the emigrants shall be able to protect themselves. The subordinate details might be easily arranged. But the bare proposition of purchase by the United States generally, would excite infinite indignation in all the States north of Maryland. The sacrifice must fall on the States alone which hold them; and the difficult question will be how to lessen this so as to reconcile our fellow citizens to it. Personally I am ready and desirous to make any sacrifice which shall ensure their gradual but complete retirement from the State, and effectually, at the same time, establish them elsewhere in freedom and safety. But I have not perceived the growth of this disposition in the rising generation, of which I once had sanguine hopes. No symptoms inform me that it will take place in my day. I leave it, therefore, to time, and not at all without hope that the day will come, equally desirable and welcome to us as to them. Perhaps the proposition now on the carpet at Washington to provide an establishment on the coast of Africa for voluntary emigrations of people of color, may be the corner stone of this future edifice. Praying for its completion as early as may most promote the good of all, I salute you with great esteem and respect.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, April 19, 1817.

DEAR SIR,—My loving and beloved friend Pickering, has been pleased to inform the world that I have "few friends." I wanted to whip the rogue, and I had it in my power, if it had been in my will to do it, till the blood came. But all my real friends, as I thought then, with Dexter and Gray at their head, insisted "that I should not say a word; that nothing that such a person could write would do me the least injury; that it would betray the constitution and the government, if a President, out or in, should enter into a newspaper controversy with one of his ministers, whom he had removed from his office, in justification of

himself for that removal, or anything else;" and they talked a great deal about the DIGNITY of the office of President, which I do not find that any other person, public or private regards very much.

Nevertheless, I fear that Mr. Pickering's information is too true. It is impossible that any man should run such a gauntlet as I have been driven through, and have many friends at last. This "all who know me know," though I cannot say; who love me, tell.

I have, however, either friends who wish to amuse and solace my old age, or enemies who mean to heap coals of fire on my head, and kill me with kindness; for they overwhelm me with books from all quarters, enough to obfuscate all eyes, and smother and stifle all human understanding. Chateaubriand, Grimm, Tucker, Dupuis, La Harpe, Sismondi, Eustace, a new translation of Herodotus, by Bedloe, with more notes than text. What should I do with all this lumber? I make my "woman-kind," as the antiquary expresses it, read to me all the English, but as they will not read the French, I am obliged to excruciate my eyes to read it myself; and all to what purpose? I verily believe I was as wise and good, seventy years ago, as I am now. At that period Lemuel Bryant was my parish priest, and Joseph Cleverly my Latin schoolmaster. Lemuel was a jolly, jocular, and liberal scholar and divine. Joseph a scholar and a gentleman; but a bigoted Episcopalian, of the school of Bishop Saunders, and Dr. Hicks,—a downright conscientious, passive obedience man, in Church and State. The parson and the pedagogue lived much together, but were eternally disputing about government and religion. One day, when the schoolmaster had been more than commonly fanatical, and declared "if he were a monarch, *he would have but one religion in his dominions;*" the parson coolly replied, "Cleverly! you would be the best man in the world if you had no religion."

Twenty times in the course of my late reading have I been on the point of breaking out, "This would be the best of all possible worlds, if there were no religion in it!!!" But in this

exclamation I should have been as fanatical as Bryant or Cleverly. Without religion this world would be something not fit to be mentioned in polite society, I mean hell. So far from believing in the total and universal depravity of human nature, I believe there is no individual totally depraved. The most abandoned scoundrel that ever existed, never yet wholly extinguished his conscience, and while conscience remains there is some religion. Popes, Jesuits, and Sorbonists, and Inquisitors, have some conscience and some religion. So had Marius and Sylla, Cæsar, Catiline and Antony; and Augustus had not much more, let Virgil and Horace say what they will.

What shall we think of Virgil and Horace, Sallust, Quintilian, Pliny, and even Tacitus? and even Cicero, Brutus and Seneca? Pompey I leave out of the question, as a mere politician and soldier. Every one of the great creatures has left indelible marks of conscience, and consequently of religion, though every one of them has left abundant proofs of profligate violations of their consciences by their little and great passions and paltry interests.

The vast prospect of mankind, which these books have passed in review before me, from the most ancient records, histories, traditions and fables, that remain to us to the present day, has sickened my very soul, and almost reconciled me to Swift's travels among the Yahoos; yet I never can be a misanthrope—*Homo sum*. I must hate myself before I can hate my fellow men; and that I cannot, and will not do. No! I will not hate any of them, base, brutal, and devilish as some of them have been to me.

From the bottom of my soul, I pity my fellow men. Fears and terrors appear to have produced an universal credulity. Fears of calamities in life, and punishments after death, seem to have possessed the souls of all men. But fear of pain and death, here, do not seem to have been so unconquerable, as fear of what is to come hereafter. Priests, Hierophants, Popes, Despots, Emperors, Kings, Princes, Nobles, have been as credulous as shoeblacks, boots and kitchen scullions. The former seem to have believed in their divine rights as sincerely as the latter.

Auto de feés, in Spain and Portugal, have been celebrated with as good faith as excommunications have been practised in Connecticut, or as baptisms have been refused in Philadelphia.

How is it possible that mankind should submit to be governed, as they have been, is to me an inscrutable mystery. How they could bear to be taxed to build the temple of Diana at Ephesus, the pyramids of Egypt, Saint Peter's at Rome, Notre Dame at Paris, St. Paul's in London, with a million et ceteras, when my navy yards and my quasi army made such a popular clamor, I know not. Yet all my peccadillos never excited such a rage as the late compensation law!

I congratulate you on the late election in Connecticut. It is a kind of epocha. Several causes have conspired. One which you would not suspect. Some one, no doubt instigated by the devil, has taken it into his head to print a new edition of the "Independent Whig," even in Connecticut, and has scattered the volumes through the State. These volumes, it is said, have produced a burst of indignation against priestcraft, bigotry and intolerance, and in conjunction with other causes, have produced the late election.

When writing to you I never know when to subscribe,

J. A.

TO JOHN ADAMS.

MONTICELLO, May 5, 1817.

DEAR SIR,—Absences and avocations had prevented my acknowledging your favor of February the 2d, when that of April the 19th arrived. I had not the pleasure of receiving the former by the hands of Mr. Lyman. His business probably carried him in another direction; for I am far inland, and distant from the great line of communication between the trading cities. Your recommendations are always welcome, for indeed, the subjects of them always merit that welcome, and some of them in an extraordinary degree. They make us acquainted with what there is excellent in our ancient sister State of Massachusetts, once

venerated and beloved, and still hanging on our hopes, for what need we despair of after the resurrection of Connecticut to light and liberality. I had believed that the last retreat of monkish darkness, bigotry, and abhorrence of those advances of the mind which had carried the other States a century ahead of them. They seemed still to be exactly where their forefathers were when they schismatized from the covenant of works, and to consider as dangerous heresies all innovations good or bad. I join you, therefore, in sincere congratulations that this den of the priesthood is at length broken up, and that a Protestant Popedom is no longer to disgrace the American history and character. If by *religion* we are to understand *sectarian dogmas*, in which no two of them agree, then your exclamation on that hypothesis is just, "that this would be the best of all possible worlds, if there were no religion in it." But if the moral precepts, innate in man, and made a part of his physical constitution, as necessary for a social being, if the sublime doctrines of philanthropism and deism taught us by Jesus of Nazareth, in which all agree, constitute true religion, then, without it, this would be, as you again say, "something not fit to be named, even indeed, a hell."

You certainly acted wisely in taking no notice of what the malice of Pickering could say of you. Were such things to be answered, our lives would be wasted in the filth of fendings and provings, instead of being employed in promoting the happiness and prosperity of our fellow citizens. The tenor of your life is the proper and sufficient answer. It is fortunate for those in public trust, that posterity will judge them by their works, and not by the malignant vituperations and invectives of the Pickerings and Gardiners of their age. After all, men of energy of character must have enemies; because there are two sides to every question, and taking one with decision, and acting on it with effect, those who take the other will of course be hostile in proportion as they feel that effect. Thus, in the revolution, Hancock and the Adamses were the raw-head and bloody bones of tories and traitors who yet knew nothing of you personally but what was good. I do not entertain your apprehensions for the

happiness of our brother Madison in a state of retirement. Such a mind as his, fraught with information and with matter for reflection, can never know *ennui*. Besides, there will always be work enough cut out for him to continue his active usefulness to his country. For example, he and Monroe (the President) are now here on the work of a collegiate institution to be established in our neighborhood, of which they and myself are three of six visitors. This, if it succeeds, will raise up children for Mr. Madison to employ his attention through life. I say if it succeeds; for we have two very essential wants in our way, first, means to compass our views; and, second, men qualified to fulfil them. And these, you will agree, are essential wants indeed.

I am glad to find you have a copy of Sismondi, because his is a field familiar to you, and on which you can judge him. His work is highly praised, but I have not yet read it. I have been occupied and delighted with reading another work, the title of which did not promise much useful information or amusement, "*l'Italia avanti il dominio dei Romani dal Micali.*" It has often, you know, been a subject of regret, that Carthage had no writer to give her side of her own history, while her wealth, power and splendor, prove she must have had a very distinguished policy and government. Micali has given the counterpart of the Roman history, for the nations over which they extended their dominion. For this he has gleaned up matter from every quarter, and furnished materials for reflection and digestion to those who, thinking as they read, have perceived that there was a great deal of matter behind the curtain, could that be fully withdrawn. He certainly gives new views of a nation whose splendor has masked and palliated their barbarous ambition. I am now reading Botta's history of our own Revolution. Bating the ancient practice which he has adopted, of putting speeches into mouths which never made them, and fancying motives of action which we never felt, he has given that history with more detail, precision and candor, than any writer I have yet met with. It is, to be sure, compiled from those writers; but it is a good se-

cretion of their matter, the pure from the impure, and presented in a just sense of right, in opposition to usurpation.

Accept assurances for Mrs. Adams and yourself of my affectionate esteem and respect.

TO DR. JOSEPHUS B. STUART.

MONTICELLO, May 10, 1817.

DEAR SIR,—Your favor of April 2d is duly received. I am very sensible of the partiality with which you are so good as to review the course I have held in public life, and I have also to be thankful to my fellow-citizens for a like indulgence generally shown to my endeavors to be useful to them. They give quite as much credit as is merited to the difficulties supposed to attend the public administration. There are no mysteries in it. Difficulties indeed sometimes arise; but common sense and honest intentions will generally steer through them, and, where they cannot be surmounted, I have ever seen the well-intentioned part of our fellow citizens sufficiently disposed not to look for impossibilities. We all know that a farm, however large, is not more difficult to direct than a garden, and does not call for more attention or skill.

I hope with you that the policy of our country will settle down with as much navigation and commerce only as our own exchanges will require, and that the disadvantage will be seen of our undertaking to carry on that of other nations. This, indeed, may bring gain to a few individuals, and enable them to call off from our farms more laborers to be converted into lackeys and grooms for them, but it will bring nothing to our country but wars, debt, and dilapidation. This has been the course of England, and her examples have fearful influence on us. In copying her we do not seem to consider that like premises induce like consequences. The bank mania is one of the most threatening of these imitations. It is raising up a monied aristocracy in our country which has already set the government at defiance, and although forced at length to yield a little on this first essay of

their strength, their principles are unyielded and unyielding. These have taken deep root in the hearts of that class from which our legislators are drawn, and the sop to Cerberus from fable has become history. Their principles lay hold of the good, their pelf of the bad, and thus those whom the constitution had placed as guards to its portals, are sophisticated or suborned from their duties. That paper money has some advantages, is admitted. But that its abuses also are inevitable, and, by breaking up the measure of value, makes a lottery of all private property, cannot be denied. Shall we ever be able to put a constitutional veto on it?

You say I must go to writing history. While in public life I had not time, and now that I am retired, I am past the time. To write history requires a whole life of observation, of inquiry, of labor and correction. Its materials are not to be found among the ruins of a decayed memory. At this day I should begin where I ought to have left off. The "*solve senes centem equum*," is a precept we learn in youth but for the practice of age; and were I to disregard it, it would be but a proof the more of its soundness. If anything has ever merited to me the respect of my fellow citizens, themselves, I hope, would wish me not to lose it by exposing the decay of faculties of which it was the reward. I must then, dear Sir, leave to yourself and your brethren of the rising generation, to arraign at your tribunal the actions of your predecessors, and to pronounce the sentence they may have merited or incurred. If the sacrifices of that age have resulted in the good of this, then all is well, and we shall be rewarded by their approbation, and shall be authorized to say, "go ye and do likewise." To yourself I tender personally the assurance of my great esteem and respect.

TO MARQUIS DE LA FAYETTE.

MONTICELLO, May 14, 1817.

Although, dear Sir, much retired from the world, and meddling little in its concerns, yet I think it almost a religious duty to

salute at times my old friends, were it only to say and to know that "all's well." Our hobby has been politics; but all here is so quiet, and with you so desperate, that little matter is furnished us for active attention. With you too, it has long been forbidden ground, and therefore imprudent for a foreign friend to tread, in writing to you. But although our speculations might be intrusive, our prayers cannot but be acceptable, and mine are sincerely offered for the well-being of France. What government she can bear, depends not on the state of science, however exalted, in a select band of enlightened men, but on the condition of the general mind. That, I am sure, is advanced and will advance; and the last change of government was fortunate, inasmuch as the new will be less obstructive to the effects of that advancement. For I consider your foreign military oppressions as an ephemeral obstacle only.

Here all is quiet. The British war has left us in debt; but that is a cheap price for the good it has done us. The establishment of the necessary manufactures among ourselves, the proof that our government is solid, can stand the shock of war, and is superior even to civil schism, are precious facts for us; and of these the strongest proofs were furnished, when, with four eastern States tied to us, as dead to living bodies, all doubt was removed as to the achievements of the war, had it continued. But its best effect has been the complete suppression of party. The federalists who were truly American, and their great mass was so, have separated from their brethren who were mere Anglomen, and are received with cordiality into the republican ranks. Even Connecticut, as a State, and the last one expected to yield its steady habits (which were essentially bigoted in politics as well as religion), has chosen a republican governor, and republican legislature. Massachusetts indeed still lags; because most deeply involved in the parricide crimes and treasons of the war. But her gangrene is contracting, the sound flesh advancing on it, and all there will be well. I mentioned Connecticut as the most hopeless of our States. Little Delaware had escaped my attention. That is essentially a Quaker State, the fragment of a re-

ligious sect which, there, in the other States, in England, are a homogeneous mass, acting with one mind, and that directed by the mother society in England. Dispersed, as the Jews, they still form, as those do, one nation, foreign to the land they live in. They are Protestant Jesuits, implicitly devoted to the will of their superior, and forgetting all duties to their country in the execution of the policy of their order. When war is proposed with England, they have religious scruples; but when with France, these are laid by, and they become clamorous for it. They are, however, silent, passive, and give no other trouble than of whipping them along. Nor is the election of Monroe an inefficient circumstance in our felicities. Four and twenty years, which he will accomplish, of administration in republican forms and principles, will so consecrate them in the eyes of the people as to secure them against the danger of change. The evanition of party dissensions has harmonized intercourse, and sweetened society beyond imagination. The war then has done us all this good, and the further one of assuring the world, that although attached to peace from a sense of its blessings, we will meet war when it is made necessary.

I wish I could give better hopes of our southern brethren. The achievement of their independence of Spain is no longer a question. But it is a very serious one, what will then become of them? Ignorance and bigotry, like other insanities, are incapable of self-government. They will fall under military despotism, and become the murderous tools of the ambition of their respective Bonapartes; and whether this will be for their greater happiness, the rule of one only has taught you to judge. No one, I hope, can doubt my wish to see them and all mankind exercising self-government, and capable of exercising it. But the question is not what we wish, but what is practicable? As their sincere friend and brother then, I do believe the best thing for them, would be for themselves to come to an accord with Spain, under the guarantee of France, Russia, Holland, and the United States, allowing to Spain a nominal supremacy, with authority only to keep the peace among them, leaving them otherwise all

the powers of self-goverment, until their experience in them, their emancipation from their priests, and advancement in information, shall prepare them for complete independence. I exclude England from this confederacy, because her selfish principles render her incapable of honorable patronage or disinterested cooperation; unless, indeed, what seems now probable, a revolution should restore to her an honest government, one which will permit the world to live in peace. Portugal grasping at an extension of her dominion in the south, has lost her great northern province of Pernambuco, and I shall not wonder if Brazil should revolt in mass, and send their royal family back to Portugal. Brazil is more populous, more wealthy, more energetic, and as wise as Portugal. I have been insensibly led, my dear friend, while writing to you, to indulge in that line of sentiment in which we have been always associated, forgetting that these are matters not belonging to my time. Not so with you, who have still many years to be a spectator of these events. That these years may indeed be many and happy, is the sincere prayer of your affectionate friend.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, MAY 18, 1817.

DEAR SIR,—Lyman was mortified that he could not visit Monticello. He is gone to Europe a second time. I regret that he did not see you, he would have executed any commission for you in the literary line, at any pain or any expense. I have many apprehensions for his health, which is very delicate and precarious, but he is seized with the mania of all our young clerical spirits for foreign travel; I fear they will lose more than they acquire, they will lose that unadulterated enthusiasm for their native country, which has produced the greatest characters among us.

Oh! Lord! Do you think that Protestant Popedom is annihilated in America? Do you recollect, or have you ever attended

to the ecclesiastical strifes in Maryland, Pennsylvania, New York, and every part of New England? What a mercy it is that these people cannot whip, and crop, and pillory, and roast, *as yet* in the United States! If they could, they would. Do you know the General of the Jesuits, and consequently all his host, have their eyes on this country? Do you know that the Church of England is employing more means and more art, to propagate their demi-popery among us, than ever? Quakers, Anabaptists, Moravians, Swedenborgians, Methodists, Unitarians, Nothingarians in all Europe are employing underhand means to propagate their sectarian system in these States.

The multitude and diversity of them, you will say, is our security against them all. God grant it. But if we consider that the Presbyterians and Methodists are far the most numerous and the most likely to unite, let a George Whitefield arise, with a military cast, like Mahomet or Loyola, and what will become of all the other sects who can never unite?

My friends or enemies continue to overwhelm me with books. Whatever may be their intention, charitable or otherwise, they certainly contribute to continue me to vegetate, much as I have done for the sixteen years last past.

Sir John Malcolm's history of Persia, and Sir William Jones' works, are now poured out upon me, and a little cargo is coming from Europe. What can I do with all this learned lumber? Is it necessary to salvation to investigate all these Cosmogonies and Mythologies? Are Bryant, Gebelin, Dupuis, or Sir William Jones, right? What a frown upon mankind was the premature death of Sir William Jones! Why could not Jones and Dupuis have conversed or corresponded with each other? Had Jones read Dupuis, or Dupuis Jones, the works of both would be immensely improved, though each would probably have adhered to his system.

I should admire to see a counsel composed of Gebelin, Bryant, Jones and Dupuis. Let them live together and compare notes. The human race ought to contribute to furnish them with all the books in the Universe, and the means of subsistence.

I am not expert enough in Italian to read Botta, and I know not that he has been translated. Indeed, I have been so little satisfied with histories of the American revolution, that I have long since ceased to read them. The truth is lost, in adulatory panegyrics, and in vituperary insolence. I wish you, Mr. Madison, and Mr. Monroe, success in your collegiate institution. And I wish that superstition in religion, exciting superstition in politics, and both united in directing military force, alias glory, may never blow up all your benevolent and philanthropic lucubrations. But the history of all ages is against you.

It is said that no effort in favor of virtue is ever lost. I doubt whether it was ever true; whether it is now true; but hope it will be true. In the moral government of the world, no doubt it was, is, and ever will be true; but it has not yet appeared to be true on this earth.

I am, Sir, sincerely your friend.

P. S. Have you seen the Philosophy of Human Nature, and the History of the War in the western States, from Kentucky? How vigorously science and literature spring up, as well as patriotism and heroism, in transalleganian regions? Have you seen Wilkinson's history? &c., &c.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, May 26, 1817.

DEAR SIR,—Mr. Leslie Combes of Kentucky has sent me a history of the late war, in the western country, by Mr. Robert B. M'Siffee, and the Philosophy of Human Nature, by Joseph Buchanan. The history I am glad to see, because it will preserve facts to the honor and immortal glory of the western people. Indeed, I am not sorry that the Philosophy has been published, because it has been a maxim with me for sixty years at least, never to be afraid of a book.

Nevertheless, I cannot foresee much utility in reviewing, in

this country, the controversy between the Spiritualists and the Materialists. Why should time be wasted in disputing about two substances, when both parties agree that neither knows anything about either.

If spirit is an abstraction, a conjecture, a chimera; matter is an abstraction, a conjecture, a chimera; for we know as much, or rather as little, about one as the other. We may read Cudworth, Le Clerc, Leibnitz, Berkley, Hume, Bolingbroke and Priestley, and a million other volumes in all ages, and be obliged at last to confess that we have learned nothing. Spirit and matter still remain riddles. Define the terms, however, and the controversy is soon settled. If spirit is an active something, and matter an inactive something, it is certain that one is not the other. We can no more conceive that extension, or solidity, can think, or feel, or see, or hear, or taste, or smell; than we can conceive that perception, memory, imagination, or reason, can remove a mountain, or blow a rock. This enigma has puzzled mankind from the beginning, and probably will to the end. Economy of time requires that we should waste no more in so idle an amusement.

In the eleventh discourse of Sir William Jones, before the Asiatic Society, vol. iii., page 229, of his works, we find that Materialists and Immaterialists existed in India, and that they accused each other of atheism, before Berkley, or Priestley, or Dupuis, or Plato, or Pythagoras, were born.

Indeed, Newton himself appears to have discovered nothing that was not known to the ancient Indians. He has only furnished more complete demonstrations of the doctrines they taught. Sir John Malcolm agrees with Jones and Dupuis, in the Astrological origin of heathen mythologies. Vain man! mind your own business! Do no wrong;—do all the good you can! Eat your canvas-back ducks! Drink your Burgundy! Sleep your siesta when necessary, and TRUST IN GOD!

What a mighty bubble, what a tremendous waterspout, has Napoleon been, according to his life, written by himself! He says he was the creature of the principles and manners of the

age; by which, no doubt, he means the age of Reason; the progress of Manilius' Ratio, of Plato's Logos, &c. I believe him. A whirlwind raised him, and a whirlwind blowed him away to St. Helena. He is very confident that the age of Reason is not past, and so am I; but I hope that Reason will never again rashly and hastily create such creatures as him. Liberty, equality, fraternity, and humanity, will never again, I hope, blindly surrender themselves to an unbounded ambition for national conquests, nor implicitly commit themselves to the custody and guardianship of arms and heroes. If they do, they will again end in St. Helena, Inquisitions, Jesuits, and *sacre liques*.

Poor Laureate Southey is writhing in torments under the laugh of the three kingdoms, all Europe, and America, upon the publication of his "Wat Tyler." I wonder whether he or Bonaparte suffers most. I congratulate you, and Madison, and Monroe, on your noble employment in founding a university. From such a noble Triumvirate, the world will expect something very great and very new; but if it contains anything quite original, and very excellent, I fear the prejudices are too deeply rooted to suffer it to last long, though it may be accepted at first. It will not always have three such colossal reputations to support it.

The Pernambuco Ambassador, his Secretary of legation, and private Secretary, respectable people, have made me a visit. Having been some year or two in a similar situation, I could not but sympathize with him. As Bonaparte says, the age of Reason is not ended. Nothing can totally extinguish, or eclipse the light which has been shed abroad by the press.

I am, Sir, with hearty wishes for your health and happiness, your friend and humble servant.

TO DOCTOR JOHN MANNERS.

MONTICELLO, June 12, 1817.

SIR,—Your favor of May 20th has been received some time since, but the increasing inertness of age renders me slow in

obeying the calls of the writing-table, and less equal than I have been to its labors.

My opinion on the right of Expatriation has been, so long ago as the year 1776, consigned to record in the act of the Virginia code, drawn by myself, recognizing the right expressly, and prescribing the mode of exercising it. The evidence of this natural right, like that of our right to life, liberty, the use of our faculties, the pursuit of happiness, is not left to the feeble and sophistical investigations of reason, but is impressed on the sense of every man. We do not claim these under the charters of kings or legislators, but under the King of kings. If he has made it a law in the nature of man to pursue his own happiness, he has left him free in the choice of place as well as mode; and we may safely call on the whole body of English jurists to produce the map on which Nature has traced, for each individual, the geographical line which she forbids him to cross in pursuit of happiness. It certainly does not exist in his mind. Where, then, is it? I believe, too, I might safely affirm, that there is not another nation, civilized or savage, which has ever denied this natural right. I doubt if there is another which refuses its exercise. I know it is allowed in some of the most respectable countries of continental Europe, nor have I ever heard of one in which it was not. How it is among our savage neighbors, who have no law but that of Nature, we all know.

Though long estranged from legal reading and reasoning, and little familiar with the decisions of particular judges, I have considered that respecting the obligation of the common law in this country as a very plain one, and merely a question of document. If we are under that law, the document which made us so can surely be produced; and as far as this can be produced, so far we are subject to it, and farther we are not. Most of the States did, I believe, at an early period of their legislation, adopt the English law, common and statute, more or less in a body, as far as localities admitted of their application. In these States, then, the common law, so far as adopted, is the *lex-loci*. Then comes the law of Congress, declaring that what is law in any State, shall

be the rule of decision in their courts, as to matters arising within that State, except when controlled by their own statutes. But this law of Congress has been considered as extending to civil cases only; and that no such provision has been made for criminal ones. A similar provision, then, for criminal offences, would, in like manner, be an adoption of more or less of the common law, as part of the *lex-loci*, where the offence is committed; and would cover the whole field of legislation for the general government. I have turned to the passage you refer to in Judge Cooper's Justinian, and should suppose the general expressions there used would admit of modifications conformable to this doctrine. It would alarm me indeed, in any case, to find myself entertaining an opinion different from that of a judgment so accurately organized as his. But I am quite persuaded that, whenever Judge Cooper shall be led to consider that question simply and nakedly, it is so much within his course of thinking, as liberal as logical, that, rejecting all blind and undefined obligation, he will hold to the positive and explicit precepts of the law alone. Accept these hasty sentiments on the subjects you propose, as hazarded in proof of my great esteem and respect.

TO BARON HUMBOLDT.

MONTICELLO, June 13, 1817.

DEAR SIR,—The receipt of your Distributio Geographica Plantarum, with the duty of thanking you for a work which sheds so much new and valuable light on botanical science, excites the desire, also, of presenting myself to your recollection, and of expressing to you those sentiments of high admiration and esteem, which, although long silent, have never slept. The physical information you have given us of a country hitherto so shamefully unknown, has come exactly in time to guide our understandings in the great political revolution now bringing it into prominence on the stage of the world. The issue of its struggles, as they respect Spain, is no longer matter of doubt. As it

respects their own liberty, peace and happiness, we cannot be quite so certain. Whether the blinds of bigotry, the shackles of the priesthood, and the fascinating glare of rank and wealth, give fair play to the common sense of the mass of their people, so far as to qualify them for self-government, is what we do not know. Perhaps our wishes may be stronger than our hopes. The first principle of republicanism is, that the *lex-majoris partis* is the fundamental law of every society of individuals of equal rights; to consider the will of the society enounced by the majority of a single vote, as sacred as if unanimous, is the first of all lessons in importance, yet the last which is thoroughly learnt. This law once disregarded, no other remains but that of force, which ends necessarily in military despotism. This has been the history of the French revolution, and I wish the understanding of our Southern brethren may be sufficiently enlarged and firm to see that their fate depends on its sacred observance.

In our America we are turning to public improvements. Schools, roads, and canals, are everywhere either in operation or contemplation. The most gigantic undertaking yet proposed, is that of New York, for drawing the waters of Lake Erie into the Hudson. The distance is 353 miles, and the height to be surmounted 661 feet. The expense will be great, but its effect incalculably powerful in favor of the Atlantic States. Internal navigation by steamboats is rapidly spreading through all our States, and that by sails and oars will ere long be looked back to as among the curiosities of antiquity. We count much, too, on its efficacy for harbor defence; and it will soon be tried for navigation by sea. We consider the employment of the contributions which our citizens can spare, after feeding, and clothing, and lodging themselves comfortably, as more useful, more moral, and even more splendid, than that preferred by Europe, of destroying human life, labor and happiness.

I write this letter without knowing where it will find you. But wherever that may be, I am sure it will find you engaged in something instructive for man. If at Paris, you are of course in habits of society with Mr. Gallatin, our worthy, our able, and ex-

cellent minister, who will give you, from time to time, the details of the progress of a country in whose prosperity you are so good as to feel an interest, and in which your name is revered among those of the great worthies of the world. God bless you, and preserve you long to enjoy the gratitude of your fellow men, and to be blessed with honors, health and happiness.

TO M. DE MARBOIS.

MONTICELLO, June 14, 1817.

I thank you, dear Sir, for the copy of the interesting narrative of the Complet d'Arnold, which you have been so kind as to send me. It throws light on that incident of history which we did not possess before. An incident which merits to be known, as a lesson to mankind, in all its details. This mark of your attention recalls to my mind the earlier period of life at which I had the pleasure of your personal acquaintance, and renews the sentiments of high respect and esteem with which that acquaintance inspired me. I had not failed to accompany your personal sufferings during the civil convulsions of your country, and had sincerely sympathized with them. An awful period, indeed, has passed in Europe since our first acquaintance. When I left France at the close of '89, your revolution was, as I thought, under the direction of able and honest men. But the madness of some of their successors, the vices of others, the malicious intrigues of an envious and corrupting neighbor, the tracasserie of the Directory, the usurpations, the havoc, and devastations of your Attila, and the equal usurpations, depredations and oppressions of your hypocritical deliverers, will form a mournful period in the history of man, a period of which the last chapter will not be seen in your day or mine, and one which I still fear is to be written in characters of blood. Had Bonaparte reflected that such is the moral construction of the world, that no national crime passes unpunished in the long run, he would not now be in the cage of St. Helena; and were your present oppressors to

reflect on the same truth, they would spare to their own countries the penalties on their present wrongs which will be inflicted on them on future times. The seeds of hatred and revenge which they are now sowing with a large hand, will not fail to produce their fruits in time. Like their brother robbers on the highway, they suppose the escape of the moment a final escape, and deem infamy and future risk countervailed by present gain. Our lot has been happier. When you witnessed our first struggles in the war of independence, you little calculated, more than we did, on the rapid growth and prosperity of this country; on the practical demonstration it was about to exhibit, of the happy truth that man is capable of self-government, and only rendered otherwise by the moral degradation designedly superinduced on him by the wicked acts of his tyrants.

I have much confidence that we shall proceed successfully for ages to come, and that, contrary to the principle of Montesquieu, it will be seen that the larger the extent of country, the more firm its republican structure, if founded, not on conquest, but in principles of compact and equality. My hope of its duration is built much on the enlargement of the resources of life going hand in hand with the enlargement of territory, and the belief that men are disposed to live honestly, if the means of doing so are open to them. With the consolation of this belief in the future result of our labors, I have that of other prophets who foretell distant events, that I shall not live to see it falsified. My theory has always been, that if we are to dream, the flatteries of hope are as cheap, and pleasanter than the gloom of despair. I wish to yourself a long life of honors, health and happiness.

TO ALBERT GALLATIN

MONTICELLO, June 16, 1817.

DEAR SIR,—The importance that the enclosed letters should safely reach their destination, impels me to avail myself of the protection of your cover. This is an inconvenience to which

your situation exposes you, while it adds to the opportunities of exercising yourself in works of charity.

According to the opinion I hazarded to you a little before your departure, we have had almost an entire change in the body of Congress. The unpopularity of the compensation law was completed, by the manner of repealing it as to all the world except themselves. In some States, it is said, every member is changed; in all, many. What opposition there was to the original law, was chiefly from southern members. Yet many of those have been left out, because they received the advanced wages. I have never known so unanimous a sentiment of disapprobation; and what is remarkable is, that it was spontaneous. The newspapers were almost entirely silent, and the people not only unled by their leaders, but in opposition to them. I confess I was highly pleased with this proof of the innate good sense, the vigilance, and the determination of the people to act for themselves.

Among the laws of the late Congress, some were of note; a navigation act, particularly, applicable to those nations only who have navigation acts; pinching one of them especially, not only in the general way, but in the intercourse with her foreign possessions. This part may re-act on us, and it remains for trial which may bear longest. A law respecting our conduct as a neutral between Spain and her contending colonies, was passed by a majority of one only, I believe, and against the very general sentiment of our country. It is thought to strain our complaisance to Spain beyond her right or merit, and almost against the right of the other party, and certainly against the claims they have to our good wishes and neighborly relations. That we should wish to see the people of other countries free, is as natural, and at least as justifiable, as that one King should wish to see the Kings of other countries maintained in their despotism. Right to both parties, innocent favor to the juster cause, is our proper sentiment.

You will have learned that an act for internal improvement, after passing both Houses, was negatived by the President. The

act was founded, avowedly, on the principle that the phrase in the constitution which authorizes Congress "to lay taxes, to pay the debts and provide for the general welfare," was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the federal doctrine. Whereas, our tenet ever was, and, indeed, it is almost the only landmark which now divides the federalists from the republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money. I think the passage and rejection of this bill a fortunate incident. Every State will certainly concede the power; and this will be a national confirmation of the grounds of appeal to them, and will settle forever the meaning of this phrase, which, by a mere grammatical quibble, has countenanced the General Government in a claim of universal power. For in the phrase, "to lay taxes, to pay the debts and provide for the general welfare," it is a mere question of syntax, whether the two last infinitives are governed by the first or are distinct and co-ordinate powers; a question unequivocally decided by the exact definition of powers immediately following. It is fortunate for another reason, as the States, in conceding the power, will modify it, either by requiring the federal ratio of expense in each State, or otherwise, sc as to secure us against its partial exercise. Without this caution, intrigue, negotiation, and the barter of votes might become as habitual in Congress, as they are in those legislatures which have the appointment of officers, and which, with us, is called "logging," the term of the farmers for their exchanges of aid in rolling together the logs of their newly-cleared grounds. Three of our papers have presented us the copy of an act of the legislature of New York, which, if it has really passed, will carry us back

to the times of the darkest bigotry and barbarism, to find a parallel. Its purport is, that all those who shall *hereafter* join in communion with the religious sect of Shaking Quakers, shall be deemed civilly dead, their marriages dissolved, and all their children and property taken out of their hands. This act being published nakedly in the papers, without the usual signatures, or any history of the circumstances of its passage, I am not without a hope it may have been a mere abortive attempt. It contrasts singularly with a cotemporary vote of the Pennsylvania legislature, who, on a proposition to make the belief in God a necessary qualification for office, rejected it by a great majority, although assuredly there was not a single atheist in their body. And you remember to have heard, that when the act for religious freedom was before the Virginia Assembly, a motion to insert the name of Jesus Christ before the phrase, "the author of our holy religion," which stood in the bill, was rejected, although that was the creed of a great majority of them.

I have been charmed to see that a Presidential election now produces scarcely any agitation. On Mr. Madison's election there was little, on Monroe's all but none. In Mr. Adams' time and mine, parties were so nearly balanced as to make the struggle fearful for our peace. But since the decided ascendency of the republican body, federalism has looked on with silent but unresisting anguish. In the middle, southern and western States, it is as low as it ever can be; for nature has made some men monarchists and tories by their constitution, and some, of course, there always will be.

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We have had a remarkably cold winter. At Hallowell, in Maine, the mercury was at thirty-four degrees below zero, of Fahrenheit, which is sixteen degrees lower than it was in Paris in 1788–9. Here it was at six degrees above zero, which is our greatest degree of cold.

Present me respectfully to Mrs. Gallatin, and be assured of my constant and affectionate friendship.

TO MR. ADAMS.

POPLAR FOREST, September 8, 1817.

DEAR SIR,—A month's absence from Monticello has added to the delay of acknowledging your last letters, and indeed for a month before I left it, our projected college gave me constant employment; for, being the only visitor in its immediate neighborhood, all its administrative business falls on me, and that, where building is going on, is not a little. In yours of July 15th, you express a wish to see our plan, but the present visitors have sanctioned no plan as yet. Our predecessors, the first trustees, had desired me to propose one to them, and it was on that occasion I asked and received the benefit of your ideas on the subject. Digesting these with such other schemes as I had been able to collect, I made out a prospectus, the looser and less satisfactory from the uncertain amount of the funds to which it was to be adapted. This I addressed, in the form of a letter, to their President, Peter Carr, which, going before the legislature when a change in the constitution of the college was asked, got into the public papers, and, among others, I think you will find it in Niles' Register, in the early part of 1815. This, however, is to be considered but as a *premiere ebauche*, for the consideration and amendment of the present visitors, and to be accommodated to one of two conditions of things. If the institution is to depend on private donations alone, we shall be forced to accumulate on the shoulders of four professors a mass of sciences which, if the legislature adopts it, should be distributed among ten. We shall be ready for a professor of languages in April next, for two others the following year, and a fourth a year after. How happy should we be if we could have a Ticknor for our first. A critical classic is scarcely to be found in the United States. To this professor, a fixed salary of five hundred dollars, with liberal tuition fees from the pupils, will probably give two thousand dollars a year. We are now on the look-out for a professor, meaning to accept of none but of the very first order.

You ask if I have seen Buchanan's, McAfee's, or Wilkinson's

books? I have seen none of them, but have lately read, with great pleasure, Reid & Eaton's life of Jackson, if life may be called what is merely a history of his campaign of 1814. Reid's part is well written. Eaton's continuation is better for its matter than style. The whole, however, is valuable.

I have lately received a pamphlet of extreme interest from France. It is De Pradt's Historical Recital of the first return of Louis XVIII. to Paris. It is precious for the minutiæ of the proceedings which it details, and for their authenticity, as from an eye-witness. Being but a pamphlet I enclose it for your perusal, assured, if you have not seen it, that it will give you pleasure. I will ask its return, because I value it as a morsel of genuine history, a thing so rare as to be always valuable. I have received some information from an eye-witness also of what passed on the occasion of the second return of Louis XVIII. The Emperor Alexander, it seems, was solidly opposed to this. In the consultation of the allied sovereigns and their representatives with the executive council at Paris, he insisted that the Bourbons were too incapable and unworthy of being placed at the head of the nation; declared he would support any other choice they should freely make, and continued to urge most strenuously that some other choice should be made. The debates ran high and warm, and broke off after midnight, every one retaining his own opinion. He lodged, as you know, at Talleyrand's. When they returned into council the next day, his host had overcome his firmness. Louis XVIII. was accepted, and through the management of Talleyrand, accepted without any capitulation, although the sovereigns would have consented that he should be first required to subscribe and swear to the constitution prepared, before permission to enter the kingdom. It would seem as if Talleyrand had been afraid to admit the smallest interval of time, lest a change of mind would bring back Bonaparte on them. But I observe that the friends of a limited monarchy there consider the popular representation as much improved by the late alteration, and confident it will in the end produce a fixed government in

which an elective body, fairly representative of the people, will be an efficient element.

I congratulate Mrs. Adams and yourself on the return of your excellent and distinguished son, and our country still more on such a minister of their foreign affairs; and I renew to both the assurance of my high and friendly respect and esteem.

TO GEORGE FLOWER.

POPLAR FOREST, September 12, 1817.

DEAR SIR,—Your favor of August 12th was yesterday received at this place, and I learn from it with pleasure that you have found a tract of country which will suit you for settlement. To us your first purchase would have been more gratifying, by adding yourself and your friends to our society; but the overruling consideration, with us as with you, is your own advantage, and as it would doubtless be a great comfort to you to have your ancient neighbors and friends settled around you. I sincerely wish that your proposition to "purchase a tract of land in the Illinois on favorable terms, for introducing a colony of English farmers," may encounter no difficulties from the established rules of our land department. The general law prescribes an open sale, where all citizens may compete on an equal footing for any lot of land which attracts their choice. To dispense with this in any particular case, requires a special law of Congress, and to special legislation we are generally averse, lest a principle of favoritism should creep in and pervert that of equal rights. It has, however, been done on some occasions where a special national advantage has been expected to overweigh that of adherence to the general rule. The promised introduction of the culture of the vine procured a special law in favor of the Swiss settlement on the Ohio. That of the culture of oil, wine and other southern productions, did the same lately for the French settlement on the Tombigbee. It remains to be tried whether that of an improved system of farming, interesting to so great a pro-

portion of our citizens, may not also be thought worth a dispensation with the general rule. This I suppose is the principal ground on which your proposition will be questioned. For although as to other foreigners it is thought better to discourage their settling together in large masses, wherein, as in our German settlements, they preserve for a long time their own languages, habits, and principles of government, and that they should distribute themselves sparsely among the natives for quicker amalgamation. Yet English emigrants are without this inconvenience. They differ from us little but in their principles of government, and most of those (merchants excepted) who come here, are sufficiently disposed to adopt ours. What the issue, however, of your proposition may probably be, I am less able to advise you than many others; for during the last eight or ten years I have no knowledge of the administration of the land office or the principles of its government. Even the persons on whom it will depend are all changed within that interval, so as to leave me small means of being useful to you. Whatever they may be, however, they shall be freely exercised for your advantage, and that, not on the selfish principle of increasing our own population at the expense of other nations, for the additions to that from emigration are but as a drop in a bucket to those by natural procreation, but to consecrate a sanctuary for those whom the misrule of Europe may compel to seek happiness in other climes. This refuge once known will produce reaction on the happiness even of those who remain there, by warning their task-masters that when the evils of Egyptian oppression become heavier than those of the abandonment of country, another Canaan is open where their subjects will be received as brothers, and secured against like oppressions by a participation in the right of self-government. If additional motives could be wanting with us to the maintenance of this right, they would be found in the animating consideration that a single good government becomes thus a blessing to the whole earth, its welcome to the oppressed restraining within certain limits the measure of their oppressions. But should even this be counteracted by violence on the right of ex-

patriation, the other branch of our example then presents itself for imitation, to rise on their rulers and do as we have done. You have set to your own country a good example, by showing them a peaceable mode of reducing their rulers to the necessity of becoming more wise, more moderate, and more honest, and I sincerely pray that the example may work for the benefit of those who cannot follow it, as it will for your own.

With Mr. Burckbeck, the associate of your late explanatory journeying, I have not the happiness of personal acquaintance; but I know him through his narrative of your journeyings together through France. The impressions received from that, give me confidence that a participation with yourself in assurances of the esteem and respect of a stranger will not be unacceptable to him, and the less when given through you and associated with those to yourself.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, October 10, 1817.

DEAR SIR,—I thank you for your kind congratulations on the return of my little family from Europe. To receive them all in fine health and good spirits, after so long an absence, was a greater blessing than at my time of life when they went away, I had any right to hope, or reason to expect.

If the Secretary of State can give satisfaction to his fellow-citizens in his new office, it will be a source of consolation to me while I live; although it is not probable that I shall long be a witness of his good success, or ill success. I shall soon be obliged to say to him, and to you, and to your country and mine, God bless you all! Fare-thee-well! Indeed, I need not wait a moment. I can say all that now, with as good a will, and as clear a conscience, as at any time past, or future.

I thank you, also, for the loan of De Pradt's narration of the intrigues, at the second restoration of the Bourbons. In this, as in many other instances, is seen the influence of a single subtle

mind, and a trifling accident, in deciding the fate of mankind for ages. De Pradt and Talleyrand were well associated.

I have ventured to send the pamphlet to Washington with a charge to return it to you. The French have a King, a chamber of Peers, and a chamber of Deputies. *Voila ! les ossimens* of a constitution of a limited monarchy; and of a good one, provided the bones are united by good joints, and knitted together by strong tendons. But where does the sovereignty reside? Are the three branches sufficiently defined? A fair representation of the body of the people by elections, sufficiently frequent, is essential to a free government; but if the Commons cannot make themselves respected by the Peers, and the King, they can do no good, nor prevent any evil.

Can any organization of government secure public and private liberty without a general or universal freedom, without license, or licentiousness of thinking, speaking, and writing. Have the French such freedom? Will their religion, or policy, allow it?

When I think of liberty, and a free government, in an ancient, opulent, populous, and commercial empire, I fear I shall always recollect a fable of Plato.

Love is a son of the god of riches, and the goddess of poverty. He inherits from his father the intrepidity of his courage, the enthusiasm of his thoughts, his generosity, his prodigality, his confidence in himself, the opinion of his own merit, the impatience to have always the preference; but he derives from his mother that indigence which makes him always a beggar; that importunity with which he demands everything; that timidity which sometimes hinders him from daring to ask anything; that disposition which he has to servitude, and that dread of being despised, which he can never overcome.

Such is Love according to Plato. Who calls him a demon? And such is liberty in France, and England, and all other great, rich, old, corrupted commercial nations. The opposite qualities of the father and mother are perpetually tearing to pieces himself and his friends as well as his enemies.

Mr. Monroe has got the universal character among all our com-

mon people of "A very smart man." And verily I am of the same mind. I know not another who could have executed so great a plan so cleverly.

I wish him the same happy success through his whole administration.

I am, Sir, with respest and friendship, yours, J. A.

TO THE HONORABLE JOHN Q. ADAMS.

MONTICELLO, November 1, 1817.

DEAR SIR,—Yours of the 4th of October was not received here until the 20th, having been sixteen days on its passage; since which unavoidable avocations have made this the first moment it has been in my power to acknowledge its receipt. Of the character of M. de Pradt his political writings furnish a tolerable estimate, but not so full as you have favored me with. He is eloquent, and his pamphlet on colonies shows him ingenious. I was gratified by his *Recit Historique*, because, pretending, as all men do, to some character, and he to one of some distinction, I supposed he would not place before the world facts of glaring falsehood, on which so many living and distinguished witnesses could convict him. We, too, who are retired from the business of the world, are glad to catch a glimpse of truth, here and there as we can, to guide our path through the boundless field of fable in which we are bewildered by public prints, and even by those calling themselves histories. A word of truth to us is like the drop of water supplicated from the tip of Lazarus' finger. It is as an observation of latitude and longitude to the mariner long enveloped in clouds, for correcting the ship's way.

On the subject of weights and measures, you will have, at its threshold, to encounter the question on which Solon and Lycurgus acted differently. Shall we mould our citizens to the law, or the law to our citizens? And in solving this question their peculiar character is an element not to be neglected. Of the two only things in nature which can furnish an invariable

standard, to wit, the dimensions of the globe itself, and the time of its diurnal revolution on its axis, it is not perhaps of much importance which we adopt. That of the dimensions of the globe, preferred ultimately by the French, after first adopting the other, has been objected to from the difficulty, not to say impracticability, of the verification of their admeasurement by other nations. Except the portion of a meridian which they adopted for their operation, there is not another on the globe which fulfils the requisite conditions, to wit, of so considerable length, that length too divided, not very unequally, by the 45th degree of latitude, and terminating at each end in the ocean. Now, this singular line lies wholly in France and Spain. Besides the immensity of expense and time which a verification would always require, it cannot be undertaken by any nation without the joint consent of these two powers. France having once performed the work, and refusing, as she may, to let any other nation re-examine it, she makes herself the sole depository of the original standard for all nations; and all must send to her to obtain, and from time to time to prove their standards. To this, indeed, it may be answered, that there can be no reason to doubt that the mensuration has been as accurately performed as the intervention of numerous waters, and of high ridges of craggy mountains, would admit; that all the calculations have been free of error, their coincidences faithfully reported, and that, whether in peace or war, to foes as well as friends, free access to the original will at all times be admitted. In favor of the standard to be taken from the time employed in a revolution of the earth on its axis, it may be urged that this revolution is a matter of fact present to all the world, that its division into seconds of time is known and received by all the world, that the length of a pendulum vibrating seconds in the different circles of latitude is already known to all, and can at any time and in any place be ascertained by any nation or individual, and inferred by known laws from their own to the medium latitude of 45°, whenever any doubt may make this desirable; and that this is the particular standard which has at dif-

ferent times been contemplated and desired* by the philosophers of every nation, and even by those of France, except at the particular moment when this change was suddenly proposed and adopted, and under circumstances peculiar to the history of the moment. But the cogent reason which will decide the fate of whatever you report is, that England has lately adopted the reference of its measures to the pendulum. It is the mercantile part of our community which will have most to do in this innovation; it is that which having command of all the presses can make the loudest outcry, and you know their identification with English regulations, practices, and prejudices. It is from this identification alone you can hope to be permitted to adopt even the English reference to a pendulum. But the English proposition goes only to say what proportion their measures bear to the second pendulum of their own latitude, and not at all to change their unit, or to reduce into any simple order the chaos of their weights and measures. That would be innovation, and innovation there is heresy and treason. Whether the Senate meant more than this I do not know; and much doubt if more can be effected. However, in endeavors to improve our situation, we should never despair; and I sincerely wish you may be able to rally us to either standard, and to give us an unit, the aliquot part of something invariable which may be applied simply and conveniently to our measures, weights, and coins, and most especially that the decimal divisions may pervade the whole. The convenience of this in our monied system has been approved by all, and France has followed the example. The volume of tracts which you have noted in the library of Congress, contains everything which I had then been able to collect on this subject. You will find some details which may be of use in two thin 4to vols., Nos. 399, 400, of chapter xxiv.; the latter being a collection of sheets selected from the "*Encyclopedie Methodique*,"

* If conforming to this desire of other nations, we adopt the second pendulum, $\frac{3}{10}$ of that for our foot will be the same as $\frac{1}{3}$ or $\frac{2}{10}$ of the second rod, because that rod is to the pendulum as 3 to 2. This would make our foot $\frac{1}{4}$ inch less than the present one.

on the weights, measures and coins of all nations, bound up together and alone; and the former a supplement by Beyerlé. Cooper's Emporium too, for May 1812, and August 1813, may offer something. The reports of the Committees of Parliament of 1758-9, I think you will find in Postlethwaite's Dictionary, which is also in the library, chapter 20, No. 10. That of Mechain and Delambre I have not, nor do I know who has it.

I have lately seen a book which your office ought to possess, if it has it not already, entitled "*Memoire sur la Louisiane*, par M. le Comte de Vergennes, 8vo, Paris, chez Lepetit, Jeune, 1802." It contains more in detail the proofs of the extent of Louisiana as far as the Rio Grande than I have ever before seen, and its author gives it authenticity. It has been executed with great industry and research into the French records. This reminds me of a MS. which Governor Claiborne found in a private family in Louisiana, being a journal kept (I forget by whom, but) by a confidential officer of the government, proving exactly by what connivance between the agents of the *compagnie d' occident* and the Spaniards these last smuggled settlements into Louisiana as far as Assinais, Adais, &c., for the purpose of covering the contraband trade of the company. Claiborne being afraid to trust the original by mail without keeping a copy, sent it on. It arrived safe, and was deposited in the office of State. He then sent me the copy on the destruction of the office at Washington by the British, apprehending the original might be involved in that destruction. I sent the copy to Colonel Monroe, then Secretary of State, with a request to return it if the original was safe, and to keep it if not. I have heard no more of it; but will now request of you to have search made for the original, and if safe, to return me the copy. I propose to deposit it with the historical committee of the Philosophical Society at Philadelphia, for safe keeping. I have no use nor wish for such a thing mysef, but think it will be safer in two deposits than one. My recommendation to Colonel Monroe, was to have it printed. I have barely left myself room to express my satisfaction at your call to the important office you hold, and to tender you the assurance of my great esteem and respect.

TO MR. DUPONCEAU.

MONTICELLO, November 7, 1817.

DEAR SIR,—A part of the information of which the expedition of Lewis and Clarke was the object, has been communicated to the world by the publication of their journal; but much and valuable matter yet remains uncommunicated. The correction of the longitudes of their map is essential to its value; to which purpose their observations of the lunar distances are to be calculated and applied. The new subjects they discovered in the vegetable, animal, and mineral departments, are to be digested and made known. The numerous vocabularies they obtained of the Indian languages are to be collated and published. Although the whole expense of the expedition was furnished by the public, and the information to be derived from it was theirs also, yet on the return of Messrs. Lewis and Clarke, the government thought it just to leave to them any pecuniary benefit which might result from a publication of the papers, and supposed, indeed, that this would secure the best form of publication. But the property in these papers still remained in the government for the benefit of their constituents. With the measures taken by Governor Lewis for their publication, I was never acquainted. After his death, Governor Clarke put them, in the first instance, into the hands of the late Doctor Barton, from whom some of them passed to Mr. Biddle, and some again, I believe, from him to Mr. Allen. While the MS. books of journals were in the hands of Dr. Barton, I wrote to him, on behalf of Governor Lewis' family, requesting earnestly, that, as soon as these should be published, the originals might be returned, as the family wished to have them preserved. He promised in his answer that it should be faithfully done. After his death, I obtained, through the kind agency of Mr. Correa, from Mrs. Barton, three of those books, of which I knew there had been ten or twelve, having myself read them. These were all she could find. The rest, therefore, I presume, are in the hands of the other gentlemen. After the agency I had had in effecting this expedition, I thought myself

authorized, and, indeed, that it would be expected of me, that I should follow up the subject, and endeavor to obtain its fruits for the public. I wrote to General Clarke, therefore, for authority to receive the original papers. He gave it in the letters to Mr. Biddle and to myself, which I now enclose. As the custody of these papers belonged properly to the War-Office, and that was vacant at the time, I have waited several months for its being filled. But the office still remaining vacant, and my distance rendering any effectual measures, by myself, impracticable, I ask the agency of your committee, within whose province I propose to place the matter, by making it the depository of the papers generally. I therefore now forward the three volumes of MS. journals in my possession, and authorize them, under General Clarke's letters, to inquire for and to receive the rest. So also the astronomical and geographical papers, those relating to zoological, botanical, and mineral subjects, with the Indian vocabularies, and statistical tables relative to the Indians. Of the astronomical and geographical papers, if the committee will be so good as to give me a statement, I will, as soon as a Secretary at War is appointed, propose to him to have made, at the public expense, the requisite calculations, to have the map corrected in its longitudes and latitudes, engraved and published on a proper scale; and I will ask from General Clarke the one he offers, with his corrections. With respect to the zoological and mineralogical papers and subjects, it would perhaps be agreeable to the Philosophical Society, to have a digest of them made, and published in their transactions or otherwise. And if it should be within the views of the historical committee to have the Indian vocabularies digested and published, I would add to them the remains of my collection. I had through the course of my life availed myself of every opportunity of procuring vocabularies of the languages of every tribe which either myself or my friends could have access to. They amounted to about forty, more or less perfect. But in their passage from Washington to this place, the trunk in which they were was stolen and plundered, and some fragments only of the vocabularies were recovered. Still,

however, they were such as would be worth incorporation with a larger work, and shall be at the service of the historical committee, if they can make any use of them. Permit me to request the return of General Clarke's letter, and to add assurances of my respect and esteem.

P. S. With the volumes of MS. journal, Mrs. Barton delivered one by mistake I suppose, which seems to have been the journal of some botanist. I presume it was the property of Dr. Barton, and therefore forward it to you to be returned to Mrs. Barton.

TO MR. CORREA.

POPLAR FOREST, November 25, 1817.

DEAR SIR,—I am highly gratified by the interest you take in our Central College, and the more so as it may possibly become an inducement to pass more of your time with us. It is even said you had thought of engaging a house in its neighborhood. But why another house? Is not one enough? and especially one whose inhabitants are made so happy by your becoming their inmate? When you shall have a wife and family wishing to be to themselves, then the question of another house may be taken *ad referendum*. I wish Dr. Cooper could have the same partialities. He seems to have misunderstood my last letter; in the former I had spoken of opening our Physical School in the spring of '19, but learning that that delay might render his engagement uncertain, the visitors determined to force their preparations so as to receive him by midsummer next, and so my letter stated. In one I now write, I recall his attention to that circumstance. But his decision will no doubt be governed by the result of the proposition, to permit the medical students of Philadelphia to attend him. I can never regret any circumstance which may add to his well-being, for I most sincerely wish him well. That himself and Mrs. Cooper will be happier in the society of Philadelphia, cannot be doubted. It would be flattering

enough to us to be his second choice. I find from his information that we are not to expect to obtain in this country either a classical or mathematical professor of the first order; and as our institution cannot be raised above the common herd of academies, colleges, &c., already scattered over our country, but by supereminent professors, we have determined to accept of no mediocrity, and to seek in Europe for what is eminent. We shall go to Edinburgh in preference, because of the advantage to students of receiving communications in their native tongue, and because peculiar and personal circumstances will enable us to interest Dugald Stewart and Professor Leslie, of that College, in procuring us subjects of real worth and eminence. I put off writing to them for a classical and mathematical professor only until I see what our legislature, which meets on Monday next, is disposed to do, either on the question singly of adopting our college for their university, or on that of entering at once on a general system of instruction, for which they have for some time been preparing. For this last purpose I have sketched, and put into the hands of a member a bill, delineating a practicable plan, entirely within the means they already have on hand, destined to this object. My bill proposes, 1. Elementary schools in every county, which shall place every householder within three miles of a school. 2. District colleges, which shall place every father within a day's ride of a college where he may dispose of his son. 3. An university in a healthy and central situation, with the offer of the lands, buildings, and funds of the Central College, if they will accept that place for their establishment. In the 1st will be taught reading, writing, common arithmetic, and general notions of geography. In the 2d, ancient and modern languages, geography fully, a higher degree of numerical arithmetic, mensuration, and the elementary principles of navigation. In the 3d, all the useful sciences in their highest degree. To all of which is added a selection from the elementary schools of subjects of the most promising genius, whose parents are too poor to give them further education, to be carried at the public expense through the colleges and university. The object is tc

bring into action that mass of talents which lies buried in poverty in every country, for want of the means of development, and thus give activity to a mass of mind, which, in proportion to our population, shall be the double or treble of what it is in most countries. The expense of the elementary schools for every county, is proposed to be levied on the wealth of the county, and all children rich and poor to be educated at these three years gratis. The expense of the colleges and university, admitting two professors to each of the former, and ten to the latter, can be completely and permanently established with a sum of five hundred thousand dollars, in addition to the present funds of our Central College. Our literary fund has already on hand, and appropriated to these purposes, a sum of seven hundred thousand dollars, and that increasing yearly. This is in fact and substance the plan I proposed in a bill forty years ago, but accommodated to the circumstances of this, instead of that day. I derive my present hopes that it may now be adopted, from the fact that the House of Representatives, at their last session, passed a bill, less practicable and boundlessly expensive, and therefore alone rejected by the Senate, and printed for public consideration and amendment. Mine, after all, may be an Utopian dream, but being innocent, I have thought I might indulge in it till I go to the land of dreams, and sleep there with the dreamers of all past and future times.

I have taken measures to obtain the crested turkey, and will endeavor to perpetuate that beautiful and singular characteristic, and shall be not less earnest in endeavors to raise the Moronnier. God bless you, and preserve you long in life and health, until wearied with delighting your kindred spirits here, you may wish to encounter the great problem, untried by the living, unreported by the dead.

TO MR. DUPONCEAU.

MONTICELLO, December 30, 1817.

DEAR SIR,—An absence of six weeks has occasioned your letters of the 5th and 11th inst., to lie thus long unacknowledged. After I had sent off the two other Westover MSS. I received a third of the same journal. On perusing it I am not sensible by memory, of anything not contained in the former, except eight pages of a preliminary account of the abridgment of our limits by successive charters to other colonies. I suppose this to be a copy of the largest of the other two, entered fair in a folio volume, with other documents relating to the government of Virginia. It is bound in vellum, and, by the arms pasted in it, seems to have been intended for the shelves of the author's library. As this journal is complete it might enable us to supply the hiatuses of the other copies.

I now send you the remains of my Indian vocabularies, some of which are perfect. I send with them the fragments of my digest of them, which were gathered up on the banks of the river where they had been strewed by the plunderers of the trunk in which they were. These will merely show the arrangement I had given the vocabularies, according to their affinities and degrees of resemblance or dissimilitude.

If you can recover Capt. Lewis' collection, they will make an important addition, for there was no part of his instructions which he executed more fully or carefully, never meeting with a single Indian of a new tribe, without making his vocabulary the first object. What Professor Adelung mentions of the Empress Catharine's having procured many vocabularies of our Indians, is correct. She applied to M. de La Fayette, who, through the aid of General Washington, obtained several; but I never learnt of what particular tribes. The great works of Pallas being rare, I will mention that there are two editions of it, the one in two volumes, the other in four volumes 4to, in the library I ceded to Congress, which may be consulted. But the Professor's account of the supposed Mexican MS. is quite erroneous, nor can

I conceive through whom he can have received his information. It has probably been founded on an imperfect knowledge of the following fact: Soon after the acquisition of Louisiana, Governor Claiborne found, in a private family there, a MS. journal kept, (I forget by whom,) but by a confidential officer of the French government, proving exactly by what connivance between the agents of the compagnie d'occident, and the Spaniards, these last smuggled settlements into Louisiana, as far as Assinais, Adais, &c., for the purpose of covering the contraband trade of the company. Claiborne, being afraid to trust the original by mail, without keeping a copy, sent it on after being copied. It arrived safe, and was deposited by me in the office of State. He then sent me the copy, on the destruction of the office at Washington by the British; apprehending the original might be involved in that destruction, I sent the copy to Colonel Monroe, then Secretary of State, with a request to return it, if the original was safe, and to keep it, if not. I have heard no more of it. My intention was, and is, if it is returned to me, to deposit it with your committee for safe keeping or publication. While on the subject of Louisiana, I have thought I had better commit to you also an historical memoir of my own respecting the important question of its limits. When we first made the purchase we knew little of its extent, having never before been interested to inquire into it. Possessing, then, in my library, everything respecting America which I had been able to collect by unremitting researches, during my residence in Europe, particularly and generally through my life, I availed myself of the leisure of my succeeding autumnal recess from Washington, to bring together everything which my collection furnished on the subject of its boundary. The result was the memoir I now send you, copies of which were furnished to our ministers at Paris and Madrid, for their information as to the extent of territory claimed under our purchase. The New Orleans MS. afterwards discovered, furnished some valuable supplementary proofs of title.

I defer writing to the Secretary at War respecting the observations of longitude and latitude by Capt. Lewis, until I learn from

you whether they are recovered, and whether they are so complete as to be susceptible of satisfactory calculation. I salute you with great respect and esteem.

TO MR. WIRT.

MONTICELLO, January 5, 1818.

I have first to thank you, dear Sir, for the copy of your late work which you have been so kind as to send me, and then to render you double congratulations, first, on the general applause it has so justly received, and next on the public testimony of esteem for its author, manifested by your late call to the executive councils of the nation. All this I do heartily, and then proceed to a case of business on which you will have to advise the government on the threshold of your office. You have seen the death of General Kosciusko announced in the papers in such a way as not to be doubted. He had in the funds of the United States a very considerable sum of money, on the interest of which he depended for subsistence. On his leaving the United States, in 1798, he placed it under my direction by a power of attorney, which I executed entirely through Mr. Barnes, who regularly remitted his interest. But he left also in my hands an autograph will, disposing of his funds in a particular course of charity, and making me his executor. The question the government will ask of you, and which I therefore ask, is in what court must this will be proved, and my qualification as executor be received, to justify the United States in placing these funds under the trust? This is to be executed wholly in this State, and will occupy so long a course of time beyond what I can expect to live, that I think to propose to place it under the Court of Chancery. The place of probate generally follows the residence of the testator. That was in a foreign country in the present case. Sometimes the *bona notabilia*. The evidences or representations of these (the certificates) are in my hands. The things represented (the money) in those of the United States. But where

are the United States? Everywhere, I suppose, where they have government or property liable to the demand on payment. That is to say, in every State of the Union, in this, for example, as well as any other, strengthened by the circumstances of the deposit of the will, the residence of the executor, and the place where the trust is to be executed. In no instance, I believe, does the mere habitation of the debtor draw to it the place of probate, and if it did, the United States are omnipresent by their functionaries, as well as property in every State of the Union. I am led by these considerations to suppose our district or general court competent to the object; but you know best, and by your advice, sanctioned by the Secretary of the Treasury, I shall act. I write to the Secretary on this subject. If our district court will do, I can attend it personally; if the general court only be competent, I am in hopes it will find means of dispensing with my personal attendance. I salute you with affectionate esteem and respect.

TO DR. BENJAMIN WATERHOUSE.

MONTICELLO, March 3, 1818.

DEAR SIR,—I have just received your favor of February 20th, in which you observe that Mr. Wirt, on page 47 of his Life of Patrick Henry, quotes me as saying that "Mr. Henry certainly gave the first impulse to the ball of revolution." I well recollect to have used some such expression in a letter to him, and am tolerably certain that our own State being the subject under contemplation, I must have used it with respect to that only. Whether he has given it a more general aspect I cannot say, as the passage is not in the page you quote, nor, after thumbing over much of the book, have I been able to find it.* In page 417 there is something like it, but not the exact expression, and even there it may be doubted whether Mr. Wirt had his eye on Virginia alone, or on all the colonies. But the question, who commenced the revolution? is as difficult as that of the first inventors of a thou-

[* It was found page 41.]

sand good things. For example, who first discovered the principle of gravity? Not Newton; for Galileo, who died the year that Newton was born, had measured its force in the descent of gravid bodies. Who invented the Lavoiserian chemistry? The English say Dr. Black, by the preparatory discovery of latent heat. Who invented the steamboat? Was it Gerbert, the Marquis of Worcester, Newcomen, Savary, Papin, Fitch, Fulton? The fact is, that one new idea leads to another, that to a third, and so on through a course of time until some one, with whom no one of these ideas was original, combines all together, and produces what is justly called a new invention. I suppose it would be as difficult to trace our revolution to its first embryo. We do not know how long it was hatching in the British cabinet before they ventured to make the first of the experiments which were to develop it in the end and to produce complete parliamentary supremacy. Those you mention in Massachusetts as preceding the stamp act, might be the first visible symptoms of that design. The proposition of that act in 1764, was the first here. Your opposition, therefore, preceded ours, as occasion was sooner given there than here, and the truth, I suppose, is, that the opposition in every colony began whenever the encroachment was presented to it. This question of priority is as the inquiry would be who first, of the three hundred Spartans, offered his name to Leonidas? I shall be happy to see justice done to the merits of all, by the unexceptionable umpirage of date and facts, and especially from the pen which is proposed to be employed in it.

I rejoice, indeed, to learn from you that Mr. Adams retains the strength of his memory, his faculties, his cheerfulness, and even his epistolary industry. This last is gone from me. The aversion has been growing on me for a considerable time, and now, near the close of seventy-five, is become almost insuperable. I am much debilitated in body, and my memory sensibly on the wane. Still, however, I enjoy good health and spirits, and am as industrious a reader as when a student at college. Not of newspapers. These I have discarded. I relinquish, as I ought to do, all intermeddling with public affairs, committing myself

cheerfully to the watch and care of those for whom, in my turn, I have watched and cared. When I contemplate the immense advances in science and discoveries in the arts which have been made within the period of my life, I look forward with confidence to equal advances by the present generation, and have no doubt they will consequently be as much wiser than we have been as we than our fathers were, and they than the burners of witches. Even the metaphysical contest, which you so pleasantly described to me in a former letter, will probably end in improvement, by clearing the mind of Platonic mysticism and unintelligible jargon. Although age is taking from me the power of communicating by letter with my friends as industriously as heretofore, I shall still claim with them the same place they will ever hold in my affections, and on this ground I, with sincerity and pleasure, assure you of my great esteem and respect.

TO N. BURWELL, ESQ.

MONTICELLO, March 14, 1818.

DEAR SIR,—Your letter of February 17th found me suffering under an attack of rheumatism, which has but now left me at sufficient ease to attend to the letters I have received. A plan of female education has never been a subject of systematic contemplation with me. It has occupied my attention so far only as the education of my own daughters occasionally required. Considering that they would be placed in a country situation, where little aid could be obtained from abroad, I thought it essential to give them a solid education, which might enable them, when become mothers, to educate their own daughters, and even to direct the course for sons, should their fathers be lost, or incapable, or inattentive. My surviving daughter accordingly, the mother of many daughters as well as sons, has made their education the object of her life, and being a better judge of the practical part than myself, it is with her aid and that of one of her elevès, that

I shall subjoin a catalogue of the books for such a course of reading as we have practiced.

A great obstacle to good education is the inordinate passion prevalent for novels, and the time lost in that reading which should be instructively employed. When this poison infects the mind, it destroys its tone and revolts it against wholesome reading. Reason and fact, plain and unadorned, are rejected. Nothing can engage attention unless dressed in all the figments of fancy, and nothing so bedecked comes amiss. The result is a bloated imagination, sickly judgment, and disgust towards all the real businesses of life. This mass of trash, however, is not without some distinction; some few modelling their narratives, although fictitious, on the incidents of real life, have been able to make them interesting and useful vehicles of a sound morality. Such, I think, are Marmontel's new moral tales, but not his old ones, which are really immoral. Such are the writings of Miss Edgeworth, and some of those of Madame Genlis. For a like reason, too, much poetry should not be indulged. Some is useful for forming style and taste. Pope, Dryden, Thompson, Shakspeare, and of the French, Molière, Racine, the Corneilles, may be read with pleasure and improvement.

The French language, become that of the general intercourse of nations, and from their extraordinary advances, now the depository of all science, is an indispensable part of education for both sexes. In the subjoined catalogue, therefore, I have placed the books of both languages indifferently, according as the one or the other offers what is best.

The ornaments too, and the amusements of life, are entitled to their portion of attention. These, for a female, are dancing, drawing, and music. The first is a healthy exercise, elegant and very attractive for young people. Every affectionate parent would be pleased to see his daughter qualified to participate with her companions, and without awkwardness at least, in the circles of festivity, of which she occasionally becomes a part. It is a necessary accomplishment, therefore, although of short use; for the French rule is wise, that no lady dances after marriage. This

is founded in solid physical reasons, gestation and nursing leaving little time to a married lady when this exercise can be either safe or innocent. Drawing is thought less of in this country than in Europe. It is an innocent and engaging amusement, often useful, and a qualification not to be neglected in one who is to become a mother and an instructor. Music is invaluable where a person has an ear. Where they have not, it should not be attempted. It furnishes a delightful recreation for the hours of respite from the cares of the day, and lasts us through life. The taste of this country, too, calls for this accomplishment more strongly than for either of the others.

I need say nothing of household economy, in which the mothers of our country are generally skilled, and generally careful to instruct their daughters. We all know its value, and that diligence and dexterity in all its processes are inestimable treasures. The order and economy of a house are as honorable to the mistress as those of the farm to the master, and if either be neglected, ruin follows, and children destitute of the means of living.

This, Sir, is offered as a summary sketch on a subject on which I have not thought much. It probably contains nothing but what has already occurred to yourself, and claims your acceptance on no other ground than as a testimony of my respect for your wishes, and of my great esteem and respect

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TO JOHN ADAMS.

MONTICELLO, May 17, 1818.

DEAR SIR,—I was so unfortunate as not to receive from Mr. Holly's own hand your favor of January the 28th, being then at my other home. He dined only with my family, and left them with an impression which has filled me with regret that I did not partake of the pleasure his visit gave them. I am glad he is gone to Kentucky. Rational Christianity will thrive more rapidly there than here. They are freer from prejudices than we are, and bolder in grasping at truth. The time is not distant, though

neither you nor I shall see it, when we shall be but a secondary people to them. Our greediness for wealth, and fantastical expense, have degraded, and will degrade, the minds of our maritime citizens. These are the peculiar vices of commerce.

I had been long without hearing *from* you, but I had heard *of* you through a letter from Doctor Waterhouse. He wrote to reclaim against an expression of Mr. Wirt's, as to the commencement of motion in the revolutionary ball. The lawyers say that words are always to be expounded *secundum subjectam materiem*, which, in Mr. Wirt's case, was Virginia. It would, moreover, be as difficult to say at what moment the Revolution began, and what incident set it in motion, as to fix the moment that the embryo becomes an animal, or the act which gives him a beginning. But the most agreeable part of his letter was that which informed me of your health, your activity, and strength of memory; and the most wonderful, that which assured me that you retained your industry and promptness in epistolary correspondence. Here you have entire advantage over me. My repugnance to the writing table becomes daily and hourly more deadly and insurmountable. In place of this has come on a canine appetite for reading. And I indulge it, because I see in it a relief against the *tædium senectutis;* a lamp to lighten my path through the dreary wilderness of time before me, whose bourne I see not. Losing daily all interest in the things around us, something else is necessary to fill the void. With me it is reading, which occupies the mind without the labor of producing ideas from my own stock.

I enter into all your doubts as to the event of the revolution of South America. They will succeed against Spain. But the dangerous enemy is within their own breasts. Ignorance and superstition will chain their minds and bodies under religious and military despotism. I do believe it would be better for them to obtain freedom by degrees only; because that would by degrees bring on light and information, and qualify them to take charge of themselves understandingly; with more certainty, if in the meantime, under so much control as may keep them at peace

with one another. Surely, it is our duty to wish them independence and self-government, because they wish it themselves, and they have the right, and we none, to choose for themselves; and I wish, moreover, that our ideas may be erroneous, and theirs prove well founded. But these are speculations, my friend, which we may as well deliver over to those who are to see their development. We shall only be lookers on, from the clouds above, as now we look down on the labors, the hurry and bustle of the ants and bees. Perhaps in that super-mundane region, we may be amused with seeing the fallacy of our own guesses, and even the nothingness of those labors which have filled and agitated our own time here.

En attendant, with sincere affections to Mrs. Adams and yourself, I salute you both cordially.

TO M. JULLIEN.

MONTICELLO, July 23, 1818.

SIR,—Your favor of March 30th, 1817, came to my hands on the 1st of March, 1818. While the statement it contained of the many instances of your attention in sending to me your different writings was truly flattering, it was equally mortifying to perceive that two only of the eight it enumerates, had ever come to my hands; and that both of my acknowledgments of these had miscarried also. Your first favor of November 5th, 1809, was received by me on the 6th of May, 1810, and was answered on the 15th of July of the same year, with an acknowledgment of the receipt of your "*Essai general d'education physique morale, et intellectuelle*," and of the high sense I entertained of its utility. I do not recollect through what channel I sent this answer, but have little doubt that it was through the office of our Secretary of State, and our minister then at the court of France.

In a letter from Mr. E. I. Dupont of August 11, 1817, I received the favor of your "*Esquisse d'un ouvrage sur l'educa-*

tion comparée," which he said had been received by his father a few days before his death; and on the 9th of September, 1817, I answered his letter, in which was the following paragraph: "I duly received the pamphlet of M. Jullien on Education, to whom I had been indebted some years before for a valuable work on the same subject. Of this I expressed to him my high estimation in a letter of thanks, which I trust he received. The present pamphlet is an additional proof of his useful assiduities on this interesting subject, which, if the condition of man is to be progressively ameliorated, as we fondly hope and believe, is to be the chief instrument in effecting it." I hoped that Mr. E. I. Dupont, in acknowledging to you the receipt of your letter to his father, would be the channel of conveying to you my thanks, as he was to me of the work for which they were rendered. Be assured, Sir, that not another scrip, either written or printed, ever came to me from you; and that I was incapable of omitting the acknowledgments they called for, and of the neglect which you have had so much reason to impute to me. I know well the uncertainty of transmissions across the Atlantic, but never before experienced such a train of them as has taken place in your favors and my acknowledgments of them. You will perceive that the letter I am now answering was eleven months on its passage to me.

The distance between the scenes of action of General Kosciusko and myself, during our revolutionary war,—his in the military, mine in the civil department,—was such, that I could give no particulars of the part he acted in that war. But immediately on the receipt of your letter, I wrote to General Armstrong, who had been his companion in arms, and an aid to General Gates, with whom General Kosciusko mostly served, and requested him to give me all the details within his knowledge; informing him for whom, and for what purpose they were asked. I received, two days ago only, the paper of which the enclosed is a copy, and copied by myself, because the original is in such a handwriting as I am confident no foreigner could ever decypher. However heavily pressed by the hand of age, and unequal to the

duties of punctual correspondence, of which my friends generally would have a right to complain, if the cause depended on myself, I am happy to find that in that with yourself there has been no ground of reproach. Least of all things could I have omitted any researches within my power which might do justice to the memory of General Kosciusko, the brave auxiliary of my country in its struggle for liberty, and, from the year 1797, when our particular acquaintance began, my most intimate and much beloved friend. On his last departure from the United States in 1798, he left in my hands an instrument appropriating after his death all the property he had in our public funds, the price of his military services here, to the education and emancipation of as many of the children of bondage in this country as it should be adequate to. I am now too old to undertake a business *de si longue haleine;* but I am taking measures to place it in such hands as will ensure a faithful discharge of the philanthropic intentions of the donor. I learn with pleasure your continued efforts for the instruction of the future generations of men, and, believing it the only means of effectuating their rights, I wish them all possible success, and to yourself the eternal gratitude of those who will feel their benefits, and beg leave to add the assurance of my high esteem and respect.

TO JOHN ADAMS.

MONTICELLO, November 13, 1818.

The public papers, my dear friend, announce the fatal event of which your letter of October the 20th had given me ominous foreboding. Tried myself in the school of affliction, by the loss of every form of connection which can rive the human heart, I know well, and feel what you have lost, what you have suffered, are suffering, and have yet to endure. The same trials have taught me that for ills so immeasurable, time and silence are the only medicine. I will not, therefore, by useless condolences, open afresh the sluices of your grief, nor, although mingling sin-

cerely my tears with yours, will I say a word more where words are vain, but that it is of some comfort to us both, that the term is not very distant, at which we are to deposit in the same cerement, our sorrows and suffering bodies, and to ascend in essence to an ecstatic meeting with the friends we have loved and lost, and whom we shall still love and never lose again. God bless you and support you under your heavy affliction.

TO ROBERT WALSH.

MONTICELLO, December 4, 1818.

DEAR SIR,—Yours of November the 8th has been some time received; but it is in my power to give little satisfaction as to its inquiries. Dr. Franklin had many political enemies, as every character must, which, with decision enough to have opinions, has energy and talent to give them effect on the feelings of the adversary opinion. These enmities were chiefly in Pennsylvania and Massachusetts. In the former, they were merely of the proprietary party. In the latter, they did not commence till the Revolution, and then sprung chiefly from personal animosities, which spreading by little and little, became at length of some extent. Dr. Lee was his principal calumniator, a man of much malignity, who, besides enlisting his whole family in the same hostility, was enabled, as the agent of Massachusetts with the British government, to infuse it into that State with considerable effect. Mr. Izard, the Doctor's enemy also, but from a pecuniary transaction, never countenanced these charges against him. Mr. Jay, Silas Deane, Mr. Laurens, his colleagues also, ever maintained towards him unlimited confidence and respect. That he would have waived the formal recognition of our independence, I never heard on any authority worthy notice. As to the fisheries, England was urgent to retain them exclusively, France neutral, and I believe, that had they been ultimately made a *sine qua non*, our commissioners (Mr. Adams excepted) would have relinquished them, rather than have broken off the treaty.

To Mr. Adams' perseverance alone, on that point, I have always understood we were indebted for their reservation. As to the charge of subservience to France, besides the evidence of his friendly colleagues before named, two years of my own service with him at Paris, daily visits, and the most friendly and confidential conversation, convince me it had not a shadow of foundation. He possessed the confidence of that government in the highest degree, insomuch, that it may truly be said, that they were more under his influence, than he under theirs. The fact is, that his temper was so amiable and conciliatory, his conduct so rational, never urging impossibilities, or even things unreasonably inconvenient to them, in short, so moderate and attentive to their difficulties, as well as our own, that what his enemies called subserviency, I saw was only that reasonable disposition, which, sensible that advantages are not all to be on one side, yielding what is just and liberal, is the more certain of obtaining liberality and justice. Mutual confidence produces, of course, mutual influence, and this was all which subsisted between Dr. Franklin and the government of France.

I state a few anecdotes of Dr. Franklin, within my own knowledge, too much in detail for the scale of Delaplaine's work, but which may find *a cadre* in some of the more particular views you contemplate. My health is in a great measure restored, and our family join with me in affectionate recollections and assurances of respect.

TO M. DE NEUVILLE.

MONTICELLO, December 13, 1818.

I thank your Excellency for the notice with which your letters favor me, of the liberation of France from the occupation of the allied powers. To no one, not a native, will it give more pleasure. In the desolation of Europe, to gratify the atrocious caprices of Bonaparte, France sinned much; but she has suffered more than retaliation. Once relieved from the incubus of her

late oppression, she will rise like a giant from her slumbers. Her soil and climate, her arts and eminent sciences, her central position and free constitution, will soon make her greater than she ever was. And I am a false prophet, if she does not at some future day, remind of her sufferings those who have inflicted them the most eagerly. I hope, however, she will be quiet for the present, and risk no new troubles. Her constitution, as now amended, gives as much of self-government as perhaps she can yet bear, and will give more, when the habits of order shall have prepared her to receive more. Besides the gratitude which every American owes her, as our sole ally during the war of independence, I am additionally affectioned by the friendships I contracted there, by the good dispositions I witnessed, and by the courtesies I received.

I rejoice, as a moralist, at the prospect of a reduction of the duties on wine, by our national legislature. It is an error to view a tax on that liquor as merely a tax on the rich. It is a prohibition of its use to the middling class of our citizens, and a condemnation of them to the poison of whiskey, which is desolating their houses. No nation is drunken where wine is cheap; and none sober, where the dearness of wine substitutes ardent spirits as the common beverage. It is, in truth, the only antidote to the bane of whiskey. Fix but the duty at the rate of other merchandise, and we can drink wine here as cheap as we do grog; and who will not prefer it? Its extended use will carry health and comfort to a much enlarged circle. Every one in easy circumstances (as the bulk of our citizens are) will prefer it to the poison to which they are now driven by their government. And the treasury itself will find that a penny a piece from a dozen, is more than a groat from a single one. This reformation, however, will require time. Our merchants know nothing of the infinite variety of cheap and good wines to be had in Europe; and particularly in France, in Italy, and the Græcian islands; as they know little also, of the variety of excellent manufactures and comforts to be had anywhere out of England. Nor will these things be known, nor of course called for here, until the

native merchants of those countries, to whom they are known, shall bring them forward, exhibit and vend them at the moderate profits they can afford. This alone will procure them familiarity with us, and the preference they merit in competition with corresponding articles now in use.

Our family renew with pleasure their recollections of your kind visit to Monticello, and join me in tendering sincere assurances of the gratification it afforded us, and of our great esteem and respectful consideration.

TO NATHANIEL MACON, ESQ.

MONTICELLO, January 12, 1819.

DEAR SIR,—The problem you had wished to propose to me was one which I could not have solved; for I knew nothing of the facts. I read no newspaper now but Ritchie's, and in that chiefly the advertisments, for they contain the only truths to be relied on in a newspaper. I feel a much greater interest in knowing what has passed two or three thousand years ago, than in what is now passing. I read nothing, therefore, but of the heroes of Troy, of the wars of Lacedæmon and Athens, of Pompey and Cæsar, and of Augustus too, the Bonaparte and parricide scoundrel of that day. I have had, and still have, such entire confidence in the late and present Presidents, that I willingly put both soul and body into their pockets. While such men as yourself and your worthy colleagues of the legislature, and such characters as compose the executive administration, are watching for us all, I slumber without fear, and review in my dreams the visions of antiquity. There is, indeed, one evil which awakens me at times, because it jostles me at every turn. It is that we have now no measure of value. I am asked eighteen dollars for a yard of broadcloth, which, when we had dollars, I used to get for eighteen shillings; from this I can only understand that a dollar is now worth but two inches of broadcloth, but broadcloth is no standard of measure or value. I do not know, therefore,

whereabouts I stand in the scale of property, nor what to ask, or what to give for it. I saw, indeed, the like machinery in action in the years '80 and '81, and without dissatisfaction; because in wearing out, it was working out our salvation. But I see nothing in this renewal of the game of "Robin's alive" but a general demoralization of the nation, a filching from industry its honest earnings, wherewith to build up palaces, and raise gambling stock for swindlers and shavers, who are to close too their career of piracies by fraudulent bankruptcies. My dependence for a remedy, however, is with the wisdom which grows with time and suffering. Whether the succeeding generation is to be more virtuous than their predecessors, I cannot say; but I am sure they will have more worldly wisdom, and enough, I hope, to know that honesty is the first chapter in the book of wisdom. I have made a great exertion to write you thus much; my antipathy to taking up a pen being so intense that I have never given you a stronger proof, than in the effort of writing a letter, how much I value you, and of the superlative respect and friendship with which I salute you.

TO MR. ADAMS.

MONTICELLO, March 21, 1819.

DEAR SIR,—I am indebted to you for Mr. Bowditch's very learned mathematical papers, the calculations of which are not for every reader, although their results are readily enough understood. One of these impairs the confidence I had reposed in La Place's demonstration, that the eccentricities of the planets of our system could oscillate only within narrow limits, and therefore could authorize no inference that the system must, by its own laws, come one day to an end. This would have left the question one of infinitude, at both ends of the line of time, clear of physical authority.

Mr. Pickering's pamphlet on the pronunciation of the Greek, for which I am indebted to you also, I have read with great pleasure. Early in life, the idea occurred to me that the people

now inhabiting the ancient seats of the Greeks and Romans, although their languages in the intermediate ages had suffered great changes, and especially in the declension of their nouns, and in the terminations of their words generally, yet having preserved the body of the word radically the same, so they would preserve more of its pronunciation. That at least it was probable that a pronunciation, handed down by tradition, would retain, as the words themselves do, more of the original than that of any other people whose language has no affinity to that original. For this reason I learnt, and have used the Italian pronunciation of the Latin. But that of the modern Greeks I had no opportunity of learning until I went to Paris. There I became acquainted with two learned Greeks, Count Carberri and Mr. Paradise, and with a lady, a native Greek, the daughter of Baron de Tott, who did not understand the ancient language. Carberri and Paradise spoke it. From these instructors I learnt the modern pronunciation, and in *general* trusted to its orthodoxy. I say, *in general*, because sound being more fugitive than the written letter, we must, after such a lapse of time, presume in it some degeneracies, as we see there are in the written words. We may not, indeed, be able to put our finger on them confidently, yet neither are they entirely beyond the reach of all indication. For example, in a language so remarkable for the euphony of its sounds, if that euphony is preserved in particular combinations of its letters, by an adherence to the powers ordinarily ascribed to them, and is destroyed by a change of these powers, and the sound of the word thereby rendered harsh, inharmonious, and inidiomatical, here we may presume some degeneracy has taken place. While, therefore, I gave in to the modern pronunciation generally, I have presumed, as an instance of degeneracy, their ascribing the same sound to the six letters, or combinations of letters, ε, ι, υ, ει, οι, υι, to all of which they give the sound of our double *e* in the word *meet*. This useless equivalence of three vowels and three diphthongs, did not probably exist among the ancient Greeks; and the less probably as, while this single sound, *ee*, is overcharged by so many different representative

characters, the sounds we usually give to these characters and combinations would be left without any representative signs. This would imply either that they had not these sounds in their language, or no signs for their expression. Probability appears to me, therefore, against the practice of the modern Greeks of giving the same sound to all these different representatives, and to be in favor of that of foreign nations, who, adopting the Roman characters, have assimilated to them, in a considerable degree, the powers of the corresponding Greek letters. I have, accordingly, excepted this in my adoption of the modern pronunciation. I have been more doubtful in the use of the αυ, ευ, ηυ, ωυ, sounding the υ, upsilon, as our *f* or *v*, because I find traces of that power of υ, or of υ, in some modern languages. To go no further than our own, we have it in *laugh*, *cough*, *trough*, *enough*, The county of Louisa, adjacent to that in which I live, was, when I was a boy, universally pronounced Lovisa. That it is not the *gh* which gives the sound of *f* or *v*, in these words, is proved by the orthography of *plough*, *trough*, *thought*, *fraught*, *caught*. The modern Greeks themselves, too, giving up υ, upsilon, in ordinary, the sound of our *ee*, strengthens the presumption that its anomalous sound of *f* or *v*, is a corruption. The same may be inferred from the cacophony of ελαφνε (elavne) for ελαυνε, (elawne,) Αχιλλεφς (Achillefs) for Αχιλλευς, (Achilleise,) εφς (eves) for εϋς, (eeuse,) οφκ (ovk) for ουκ, (ouk,) ωφιος (ovetos) for ωϋιος, (o-u-tos,) Ζεφς (zevs) for Ζευς, (zese,) of which all nations have made their Jupiter; and the uselessness of the *v* in ευφωνια, which would otherwise have been spelt εφωνια. I therefore except this also from what I consider as approvable pronunciation.

Against reading Greek by accent, instead of quantity, as Mr. Ciceitira proposes, I raise both my hands. What becomes of the sublime measure of Homer, the full sounding rhythm of Demosthenes, if, abandoning quantity, you chop it up by accent? What ear can hesitate in its choice between the two following rythms?

"Τὸν, δ'απαμειβόμενος προσεφὴ πόδας ωκὺς Αχιλλευς,

and,

Τον δ'απμειβομενός προσεφὴ ποδας ὠχὺς Αχίλλευς."

the latter noted according to prosody, the former by accent, and dislocating our teeth in its utterance; every syllable of it, except the first and last, being pronounced against quantity And what becomes of the art of prosody? Is that perfect coincidence of its rules with the structure of their verse, merely accidental? or was it of design, and yet for no use.

On the whole, I rejoice that this subject is taken up among us, and that it is in so able hands as those of Mr. Pickering. Should he ultimately establish the modern pronunciation of the letters without any exception, I shall think it a great step gained, and giving up my exceptions, shall willingly rally to him; and as he has promised us another paper on the question whether we shall read by quantity or by accent, I can confidently trust it to the correctness of his learning and judgment. Of the origin of accentuation, I have never seen satisfactory proofs. But I have generally supposed the accents were intended to direct the inflections and modulations of the voice; but not to affect the quantity of the syllables. You did not expect, I am sure, to draw on yourself so long a disquisition on letters and sounds, nor did I intend it, but the subject run before me, and yet I have dropped much of it by the way.

I am delighted with your high approbation of Mr. Tracy's book. The evils of this deluge of paper money are not to be removed, until our citizens are generally and radically instructed in their cause and consequences, and silence by their authority the interested clamors and sophistry of speculating, shaving, and banking institutions. Till then we must be content to return, *quoad hoc*, to the savage state, to recur to barter in the exchange of our property, for want of a stable, common measure of value, that now in use being less fixed than the beads and wampum of the Indian, and to deliver up our citizens, their property and their labor, passive victims to the swindling tricks of bankers and mountebankers. If I had your permission to put your letter into the hands of the editor, (Milligan,) with or without any verbal alterations you might choose, it would ensure the general circulation, which my prospectus and prefatory letter will less effectually rec-

ommend. There is nothing in the book of mine but these two articles, and the note on taxation in page 202. I never knew who the translator was; but I thought him some one who understood neither French nor English; and probably a Caledonian, from the number of Scotticisms I found in his MS. The innumerable corrections in that, cost me more labor than would have done a translation of the whole *de novo;* and made at last but an inelegant although faithful version of the sense of the author. *Dios guarde á V. S. muchos años.*

TO DOCTOR VINE UTLEY.

MONTICELLO, March 21, 1819

SIR,—Your letter of February the 18th came to hand on the 1st instant; and the request of the history of my physical habits would have puzzled me not a little, had it not been for the model with which you accompanied it, of Doctor Rush's answer to a similar inquiry. I live so much like other people, that I might refer to ordinary life as the history of my own. Like my friend the Doctor, I have lived temperately, eating little animal food, and that not as an aliment, so much as a condiment for the vegetables, which constitute my principal diet. I double, however, the Doctor's glass and a half of wine, and even treble it with a friend; but halve its effects by drinking the weak wines only. The ardent wines I cannot drink, nor do I use ardent spirits in any form. Malt liquors and cider are my table drinks, and my breakfast, like that also of my friend, is of tea and coffee. I have been blest with organs of digestion which accept and concoct, without ever murmuring, whatever the palate chooses to consign to them, and I have not yet lost a tooth by age. I was a hard student until I entered on the business of life, the duties of which leave no idle time to those disposed to fulfil them; and now, retired, and at the age of seventy-six, I am again a hard student. Indeed, my fondness for reading and study revolts me from the drudgery of letter writing. And a stiff wrist, the con-

sequence of an early dislocation, makes writing both slow and painful. I am not so regular in my sleep as the Doctor says he was, devoting to it from five to eight hours, according as my company or the book I am reading interests me.; and I never go to bed without an hour, or half hour's previous reading of something moral, whereon to ruminate in the intervals of sleep. But whether I retire to bed early or late, I rise with the sun. I use spectacles at night, but not necessarily in the day, unless in reading small print. My hearing is distinct in particular conversation, but confused when several voices cross each other, which unfits me for the society of the table. I have been more fortunate than my friend in the article of health. So free from catarrhs that I have not had one, (in the breast, I mean) on an average of eight or ten years through life. I ascribe this exemption partly to the habit of bathing my feet in cold water every morning, for sixty years past. A fever of more than twenty-four hours I have not had above two or three times in my life. A periodical headache has afflicted me occasionally, once, perhaps, in six or eight years, for two or three weeks at a time, which seems now to have left me; and except on a late occasion of indisposition, I enjoy good health; too feeble, indeed, to walk much, but riding without fatigue six or eight miles a day, and sometimes thirty or forty. I may end these egotisms, therefore, as I began, by saying that my life has been so much like that of other people, that I might say with Horace, to every one "*nomine mutato, narratur fabula de te.*" I must not end, however, without due thanks for the kind sentiments of regard you are so good as to express towards myself; and with my acknowledgments for these, be pleased to accept the assurances of my respect and esteem.

TO MR. SPAFFORD.

MONTICELLO, May 11, 1819.

DEAR SIR,—The interest on the late derangement of my health which was so kindly expressed by many, could not but be grati-

fying to me, as much as it manifested a sentiment that I had not been merely an useless cypher of society. Yet a decline of health at the age of 76, was naturally to be expected, and is a warning of an event which cannot be distant, and whose approach I contemplate with little concern; for indeed, in no circumstance has nature been kinder to us, than in the soft gradations by which she prepares us to part willingly with what we are not destined always to retain. First one faculty is withdrawn and then another, sight, hearing, memory, affections, and friends, filched one by one, till we are left among strangers, the mere monuments of times, facts, and specimens of antiquity for the observation of the curious.

To your request of materials for writing my life, I know not what to say, although I have been obliged to say something to several preceding applications of the same kind. One answer indeed is obvious, that I am by decay of memory, aversion to labor, and cares more suited to my situation, unequal to such a task. Of the public transactions in which I have borne a part, I have kept no narrative with a view of history. A life of constant action leaves no time for recording. Always thinking of what is next to be done, what has been done is dismissed, and soon obliterated from the memory. I cannot be insensible to the partiality which has induced several persons to think my life worthy of remembrance. And towards none more than yourself, who give me so much credit more than I am entitled to, as to what has been effected for the safeguard of our republican constitution. Numerous and able coadjutors have participated in these efforts, and merit equal notice. My life, in fact, has been so much like that of others, that their history is my history, with a mere difference of feature. The only valuable materials for history which I possessed, were the pamphlets of the day, carefully collected and preserved; but these past on to Congress with my library, and are to be found in their depository. Except the Notes on Virginia, I never wrote anything but acts of office, of which I rarely kept a copy. These will all be found in the journals and gazettes of the times. There was a book published

in England about 1801, or soon after, entitled "Public Characters," in which was given a sketch of my history to that period. I never knew, nor could conjecture by whom this was written; but certainly by some one pretty intimately acquainted with myself and my connections. There were a few inconsiderable errors in it, but in general it was correct. Delaplaine, in his Repository, has also given some outlines on the same subject; he sets out indeed with an error as to the county of my birth. Chesterfield, which he states as such, was the residence of my grandfather and remoter ancestors, but Albemarle was that of my father, and of my own birth and residence. Excepting this error, I remark no other but in his ascriptions of more merit than I have deserved. Girardin's History of Virginia, too, gives many particulars on the same subject, which are correct. These publications furnish all the details of facts and dates which can interest anybody, and more than I could now furnish myself from a decayed memory, or any notes I retain. While, therefore, I feel just acknowledgments for the partial selection of a subject for your employment, I am persuaded you will perceive there is too little new and worthy of public notice to devote to it a time which may be so much more usefully employed; and with a due sense of the partiality of your friendship, I salute you with assurances of the greatest esteem and respect.

TO S. A. WELLS, ESQ.

MONTICELLO, May 12, 1819.

SIR,—An absence of some time at an occasional and distant residence must apologize for the delay in acknowledging the receipt of your favor of April 12th. And candor obliges me to add that it has been somewhat extended by an aversion to writing, as well as to calls on my memory for facts so much obliterated from it by time as to lessen my confidence in the traces which seem to remain. One of the inquiries in your letter, however, may be answered without an appeal to the memory. It is that

respecting the question whether committees of correspondence originated in Virginia or Massachusetts? On which you suppose me to have claimed it for Virginia. But certainly I have never made such a claim. The idea, I suppose, has been taken up from what is said in Wirt's history of Mr. Henry, p. 87, and from an inexact attention to its precise terms. It is there said "this house [of burgesses of Virginia] had the merit of originating that powerful engine of resistance, corresponding committees *between the legislatures* of the *different colonies*." That the fact as here expressed is true, your letter bears witness when it says that the resolutions of Virginia for this purpose were transmitted to the speakers of the different Assemblies, and by that of Massachusetts was laid at the next session before that body, who appointed a committee for the specified object: adding, "thus in Massachusetts there were two committees of correspondence, one chosen by the people, the other appointed by the House of Assembly; in the former, Massachusetts preceded Virginia; in the latter, Virginia preceded Massachusetts." To the origination of committees for the interior correspondence between the counties and towns of a State, I know of no claim on the part of Virginia; but certainly none was ever made by myself. I perceive, however, one error into which memory had led me. Our committee for national correspondence was appointed in March, '73, and I well remember that going to Williamsburg in the month of June following, Peyton Randolph, our chairman, told me that messengers, bearing despatches between the two States, had crossed each other by the way; that of Virginia carrying our propositions for a committee of national correspondence, and that of Massachusetts bringing, as my memory suggested, a simliar proposition. But here I must have misremembered; and the resolutions brought us from Massachusetts were probably those you mention of the town meeting of Boston, on the motion of Mr. Samuel Adams, appointing a committee "to state the rights of the colonists, and of that province in particular, and the infringements of them, to communicate them to the several towns, as the sense of the town of Boston, and to request of each town a free com-

munication of its sentiments on this subject"? I suppose, therefore, that these resolutions were not received, as you think, while the House of Burgesses was in session in March, 1773; but a few days after we rose, and were probably what was sent by the messenger who crossed ours by the way. They may, however, have been still different. I must therefore have been mistaken in supposing and stating to Mr. Wirt, that the proposition of a committee for national correspondence was nearly simultaneous in Virginia and Massachusetts.

A similar misapprehension of another passage in Mr. Wirt's book, for which I am also quoted, has produced a similar reclamation of the part of Massachusetts by some of her most distinguished and estimable citizens. I had been applied to by Mr. Wirt for such facts respecting Mr. Henry, as my intimacy with him, and participation in the transactions of the day, might have placed within my knowledge. I accordingly committed them to paper, and Virginia being the theatre of his action, was the only subject within my contemplation, while speaking of him. Of the resolutions and measures here, in which he had the acknowledged lead, I used the expression that "Mr. Henry certainly gave the first impulse to the ball of revolution." [Wirt, p. 41.] The expression is indeed general, and in all its extension would comprehend all the sister States. But indulgent construction would restrain it, as was really meant, to the subject matter under contemplation, which was Virginia alone; according to the rule of the lawyers, and a fair canon of general criticism, that every expression should be construed *secundum subjectam materiem*. Where the first attack was made, there must have been of course, the first act of resistance, and that was of Massachusetts. Our first overt act of war was Mr. Henry's embodying a force of militia from several counties, regularly armed and organized, marching them in military array, and making reprisal on the King's treasury at the seat of government for the public powder taken away by his Governor. This was on the last days of April, 1775. Your formal battle of Lexington was ten or twelve days before that, which greatly overshadowed in import-

ance, as it preceded in time our little affray, which merely amounted to a levying of arms against the King, and very possibly you had had military affrays before the regular battle of Lexington.

These explanations will, I hope, assure you, Sir, that so far as either facts or opinions have been truly quoted from me, they have never been meant to intercept the just fame of Massachusetts, for the promptitude and perseverance of her early resistance. We willingly cede to her the laud of having been (although not exclusively) "the cradle of sound principles," and if some of us believe she has deflected from them in her course, we retain full confidence in her ultimate return to them.

I will now proceed to your quotation from Mr. Galloway's statements of what passed in Congress on their declaration of independence, in which statement there is not one word of truth, and where, bearing some resemblance to truth, it is an entire perversion of it. I do not charge this on Mr. Galloway himself; his desertion having taken place long before these measures, he doubtless received his information from some of the loyal friends whom he left behind him. But as yourself, as well as others, appear embarrassed by inconsistent accounts of the proceedings on that memorable occasion, and as those who have endeavored to restore the truth have themselves committed some errors, I will give you some extracts from a written document on that subject, for the truth of which I pledge myself to heaven and earth; having, while the question of independence was under consideration before Congress, taken written notes, in my seat, of what was passing, and reduced them to form on the final conclusion. I have now before me that paper, from which the following are extracts:

"On Friday the 7th of June, 1776, the delegates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these united colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved; that measures should be

immediately taken for procuring the assistance of foreign powers, and a confederation be formed to bind the colonies more closely together. The house being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock. Saturday, June 8th, they proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day and Monday the 10th in debating on the subject.

"It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait awhile for them, and to postpone the final decision to July 1st. But that this might occasion as little delay as possible, a committee was appointed to prepare a Declaration of Independence. The committee were J. Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston and myself. This was reported to the House on Friday the 28th of June, when it was read and ordered to lie on the table. On Monday the 1st of July the House resolved itself into a committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pensylvania voted against it. Delaware having but two members present, they were divided. The delegates for New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They therefore thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. The Committee rose and reported their resolution to the

House. Mr. Rutledge of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question whether the House would agree to the resolution of the committee was accordingly postponed to the next day, when it was again moved, and South Carolina concurred in voting for it; in the meantime a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, their vote was changed; so that the whole twelve colonies, who were authorized to vote at all, gave their votes for it; and within a few days, [July 9th,] the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of their delegates from the vote." [Be careful to observe that this vacillation and vote was on the original motion of the 7th of June by the Virginia delegates, that Congress should declare the colonies independent.]

"Congress proceeded the same day to consider the Declaration of Independence, which has been reported and laid on the table the Friday preceding, and on Monday referred to a committee of the whole. The pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason those passages which conveyed censures on the people of England were struck out, lest they give them offence. The debates having taken up the greater parts of the 2d, 3d and 4th days of July, were, in the evening of the last, closed. The declaration was reported by the committee, agreed to by the House, and signed by every member present except Mr. Dickinson." So far my notes.

Governor McKean, in his letter to McCorkle of July 16th, 1817, has thrown some lights on the transactions of that day, but trusting to his memory chiefly at an age when our memories are not to be trusted, he has confounded two questions, and ascribed proceedings to one which belonged to the other. These two questions were, 1. The Virginia motion of June 7th to declare inde-

pendence, and 2. The actual declaration, its matter and form. Thus he states the question on the declaration itself as decided on the 1st of July. But it was the Virginia motion which was voted on that day in committee of the whole; South Carolina, as well as Pennsylvania, then voting against it. But the ultimate decision in *the House* on the report of the committee being by request postponed to the next morning, all the States voted for it, except New York, whose vote was delayed for the reason before stated. It was not till the 2d of July that the declaration itself was taken up, nor till the 4th that it was decided; and it was signed by every member present, except Mr. Dickinson.

The subsequent signatures of members who were not then present, and some of them not yet in office, is easily explained, if we observe who they were; to wit, that they were of New York and Pennsylvania. New York did not sign till the 15th, because it was not till the 9th, (five days after the general signature,) that their convention authorized them to do so. The convention of Pennsylvania, learning that it had been signed by a minority only of their delegates, named a new delegation on the 20th, leaving out Mr. Dickinson, who had refused to sign. Willing and Humphreys who had withdrawn, reappointing the three members who had signed, Morris who had not been present, and five new ones, to wit, Rush, Clymer, Smith, Taylor and Ross; and Morris and the five new members were permitted to sign, because it manifested the assent of their full delegation, and the express will of their convention, which might have been doubted on the former signature of a minority only. Why the signature of Thornton of New Hampshire was permitted so late as the 4th of November, I cannot now say; but undoubtedly for some particular reason which we should find to have been good, had it been expressed. These were the only post-signers, and you see, Sir, that there were solid reasons for receiving those of New York and Pennsylvania, and that this circumstance in no wise affects the faith of this declaratory charter of our rights, and of the rights of man.

With a view to correct errors of fact before they become in-

veterate by repetition, I have stated what I find essentially material in my papers; but with that brevity which the labor of writing constrains me to use.

On the fourth particular articles of inquiry in your letter, respecting your grandfather, the venerable Samuel Adams, neither memory nor memorandums enable me to give any information. I can say that he was truly a great man, wise in council, fertile in resources, immovable in his purposes, and had, I think, a greater share than any other member, in advising and directing our measures, in the northern war especially. As a speaker he could not be compared with his living colleague and namesake, whose deep conceptions, nervous style, and undaunted firmness, made him truly our bulwark in debate. But Mr. Samuel Adams, although not of fluent elocution, was so rigorously logical, so clear in his views, abundant in good sense, and master always of his subject, that he commanded the most profound attention whenever he rose in an assembly by which the froth of declamation was heard with the most sovereign contempt. I sincerely rejoice that the record of his worth is to be undertaken by one so much disposed as you will be to hand him down fairly to that posterity for whose liberty and happiness he was so zealous a laborer.

With sentiments of sincere veneration for his memory, accept yourself this tribute to it with the assurances of my great respect.

P. S. August 6th, 1822, since the date of this letter, to wit, this day, August 6th, '22, I received the new publication of the secret Journals of Congress, wherein is stated a resolution, July 19th, 1776, that the declaration passed on the 4th be fairly engrossed on parchment, and when engrossed, be signed by every member; and another of August 2d, that being engrossed and compared at the table, was signed by the members. That is to say the copy engrossed on parchment (for durability) was signed by the members after being compared at the table with the original one, signed on paper as before stated. I add this P. S. to the

copy of my letter to Mr. Wells, to prevent confounding the signature of the original with that of the copy engrossed on parchment.

TO EZRA STYLES, ESQ.

MONTICELLO, June 25, 1819.

Your favor, Sir, of the 14th, has been duly received, and with it the book you were so kind as to forward to me. For this mark of attention, be pleased to accept my thanks. The science of the human mind is curious, but is one on which I have not indulged myself in much speculation. The times in which I have lived, and the scenes in which I have been engaged, have required me to keep the mind too much in action to have leisure to study minutely its laws of action. I am therefore little qualified to give an opinion on the comparative worth of books on that subject, and little disposed to do it on any book. Yours has brought the science within a small compass, and that is the merit of the first order; and especially with one to whom the drudgery of letter writing often denies the leisure of reading a single page in a week. On looking over the summary of the contents of your book, it does not seem likely to bring into collision any of those sectarian differences which you suppose may exist between us. In that branch of religion which regards the moralities of life, and the duties of a social being, which teaches us to love our neighbors as ourselves, and to do good to all men, I am sure that you and I do not differ. We probably differ on the dogmas of theology, the foundation of all sectarianism, and on which no two sects dream alike; for if they did they would then be of the same. You say you are a Calvinist. I am not. I am of a sect by myself, as far as I know. I am not a Jew, and therefore do not adopt their theology, which supposes the God of infinite justice to punish the sins of the fathers upon their children, unto the third and fourth generation; and the benevolent and sublime reformer of that religion has told us only that God is good and perfect, but has not defined him. I am, therefore,

of his theology, believing that we have neither words nor ideas adequate to that definition. And if we could all, after this example, leave the subject as undefinable, we should all be of one sect, doers of good, and eschewers of evil. No doctrines of his lead to schism. It is the speculations of crazy theologists which have made a Babel of a religion the most moral and sublime ever preached to man, and calculated to heal, and not to create differences. These religious animosities I impute to those who call themselves his ministers, and who engraft their casuistries on the stock of his simple precepts. I am sometimes more angry with them than is authorized by the blessed charities which he preaches. To yourself I pray the acceptance of my great respect.

TO JOHN ADAMS.

MONTICELLO, July 9, 1819.

DEAR SIR,—I am in debt to you for your letters of May the 21st, 27th, and June the 22d. The first, delivered me by Mr. Greenwood, gave me the gratification of his acquaintance; and a gratification it always is, to be made acquainted with gentlemen of candor, worth, and information, as I found Mr. Greenwood to be. That, on the subject of Mr. Samuel Adams Wells, shall not be forgotten in time and place, when it can be used to his advantage.

But what has attracted my peculiar notice, is the paper from Mecklenburg county, of North Carolina, published in the Essex Register, which you were so kind as to enclose in your last, of June the 22d. And you seem to think it genuine. I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina, some half a dozen years ago, in that part of the country, and perhaps in that very county of Mecklenburg, for I do not remember its precise locality. If this paper be really taken from the Raleigh Register, as quoted, I wonder it should have escaped Ritchie, who culls what is good from every paper, as the bee from every flower; and the National Intelligencer, too,

which is edited by a North Carolinian; and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen. But if really taken from the Raleigh Register, who is the narrator, and is the name subscribed real, or is it as fictitious as the paper itself? It appeals, too, to an original book, which is burnt, to Mr. Alexander, who is dead, to a joint letter from Caswell, Hughes, and Hooper, all dead, to a copy sent to the dead Caswell, and another sent to Doctor Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenberg. Horry, too, is silent in his history of Marion, whose scene of action was the country bordering on Mecklenburg. Ramsay, Marshall, Jones, Girardin, Wirt, historians of the adjacent States, all silent. When Mr. Henry's resolutions, far short of independence, flew like lightning through every paper, and kindled both sides of the Atlantic, this flaming declaration of the same date, of the independence of Mecklenburg county, of North Carolina, absolving it from the British allegiance, and abjuring all political connection with that nation, although sent to Congress too, is never heard of. It is not known even a twelvemonth after, when a similar proposition is first made in that body. Armed with this bold example, would not you have addressed our timid brethren in peals of thunder on their tardy fears? Would not every advocate of independence have rung the glories of Mecklenberg county in North Carolina, in the ears of the doubting Dickinson and others, who hung so heavily on us? Yet the example of independent Mecklenberg county, in North Carolina, was never once quoted. The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, Hughes) "in the cause of liberty and independence." Now you remember as well as I do, that we had not a greater tory in Congress than Hooper; that Hughes was very wavering, sometimes firm, sometimes feeble, according as the day was clear or cloudy; that Caswell, indeed, was a good whig, and kept these gentlemen to the notch, while he was present; but that he left us soon, and their line of conduct became then un-

certain until Penn came, who fixed Hughes and the vote of the State. I must not be understood as suggesting any doubtfulness in the State of North Carolina. No State was more fixed or forward. Nor do I affirm, positively, that this paper is a fabrication; because the proof of a negative can only be presumptive. But I shall believe it such until positive and solemn proof of its authenticity be produced. And if the name of McKnitt be real, and not a part of the fabrication, it needs a vindication by the production of such proof. For the present, I must be an unbeliever in the apocryphal gospel.

I am glad to learn that Mr. Ticknor has safely returned to his friends; but should have been much more pleased had he accepted the Professorship in our University, which we should have offered him in form. Mr. Bowditch, too, refuses us; so fascinating is the *vinculum* of the *dulce natale solum.* Our wish is to procure natives, where they can be found, like these gentlemen, of the first order of requirement in their respective lines; but preferring foreigners of the first order to natives of the second, we shall certainly have to go for several of our Professors, to countries more advanced in science than we are.

I set out within three or four days for my other home, the distance of which, and its cross mails, are great impediments to epistolary communications. I shall remain there about two months; and there, here, and everywhere, I am and shall always be, affectionately and respectfully yours.

TO JOHN BRAZIER, THE AUTHOR OF THE REVIEW OF PICKERING ON GREEK PRONUNCIATION.

POPLAR FOREST, August 24, 1819.

SIR,—The acknowledgment of your favor of July 15th, and thanks for the Review which it covered of Mr. Pickering's Memoir on the Modern Greek, have been delayed by a visit to an occasional but distant residence from Monticello, and to an attack here of rheumatism which is just now moderating

been much pleased with the memoir, and was much also with your review of it. I have little hope indeed of the recovery of the ancient pronunciation of that finest of human languages, but still I rejoice at the attention the subject seems to excite with you, because it is an evidence that our country begins to have a taste for something more than merely as much Greek as will pass a candidate for clerical ordination.

You ask my opinion on the extent to which classical learning should be carried in our country. A sickly condition permits me to think, and a rheumatic hand to write too briefly on this litigated question. The utilities we derive from the remains of the Greek and Latin languages are, first, as models of pure taste in writing. To these we are certainly indebted for the national and chaste style of modern composition which so much distinguishes the nations to whom these languages are familiar. Without these models we should probably have continued the inflated style of our northern ancestors, or the hyperbolical and vague one of the east. Second. Among the values of classical learning, I estimate the luxury of reading the Greek and Roman authors in all the beauties of their originals. And why should not this innocent and elegant luxury take its prëeminent stand ahead of all those addressed merely to the senses? I think myself more indebted to my father for this than for all the other luxuries his cares and affections have placed within my reach; and more now than when younger, and more susceptible of delights from other sources. When the decays of age have enfeebled the useful energies of the mind, the classic pages fill up the vacuum of *ennui*, and become sweet composers to that rest of the grave into which we are all sooner or later to descend. Third. A third value is in the stores of real science deposited and transmitted us in these languages, to-wit: in history, ethics, arithmetic, geometry, astronomy, natural history, &c.

But to whom are these things useful? Certainly not to all men. There are conditions of life to which they must be forever estranged, and there are epochs of life too, after which the endeavor to attain them would be a great misemployment of

time. Their acquisition should be the occupation of our early years only, when the memory is susceptible of deep and lasting impressions, and reason and judgment not yet strong enough for abstract speculations. To the moralist they are valuable, because they furnish ethical writings highly and justly esteemed: although in my own opinion, the moderns are far advanced beyond them in this line of science, the divine finds in the Greek language a translation of his primary code, of more importance to him than the original because better understood; and, in the same language, the newer code, with the doctrines of the earliest fathers, who lived and wrote before the simple precepts of the founder of this most benign and pure of all systems of morality became frittered into subtleties and mysteries, and hidden under jargons incomprehensible to the human mind. To these original sources he must now, therefore, return, to recover the virgin purity of his religion. The lawyer finds in the Latin language the system of civil law most conformable with the principles of justice of any which has ever yet been established among men, and from which much has been incorporated into our own. The physician as good a code of his art as has been given us to this day. Theories and systems of medicine, indeed, have been in perpetual change from the days of the good Hippocrates to the days of the good Rush, but which of them is the true one? the present, to be sure, as long as it is the present, but to yield its place in turn to the next novelty, which is then to become the true system, and is to mark the vast advance of medicine since the days of Hippocrates. Our situation is certainly benefited by the discovery of some new and very valuable medicines; and substituting those for some of his with the treasure of facts, and of sound observations recorded by him (mixed to be sure with anilities of his day) and we shall have nearly the present sum of the healing art. The statesman will find in these languages history, politics, mathematics, ethics, eloquence, love of country, to which he must add the sciences of his own day, for which of them should be unknown to him? And all the sciences must recur to the classical languages for the etymon, and sound under-

standing of their fundamental terms. For the merchant I should not say that the languages are a necessary. Ethics, mathematics, geography, political economy, history, seem to constitute the immediate foundations of his calling. The agriculturist needs ethics, mathematics, chemistry and natural philosophy. The mechanic the same. To them the languages are but ornament and comfort. I know it is often said there have been shining examples of men of great abilities in all the businesses of life, without any other science than what they had gathered from conversations and intercourse with the world. But who can say what these men would not have been had they started in the science on the shoulders of a Demosthenes or Cicero, of a Locke or Bacon, or a Newton? To sum the whole, therefore, it may truly be said that the classical languages are a solid basis for most, and an ornament to all the sciences.

I am warned by my aching fingers to close this hasty sketch, and to place here my last and fondest wishes for the advancement of our country in the useful sciences and arts, and my assurances of respect and esteem for the Reviewer of the Memoir on modern Greek.

TO JUDGE ROANE.

Poplar Forest, September 6, 1819.

Dear Sir,—I had read in the Enquirer, and with great approbation, the pieces signed Hampden, and have read them again with redoubled approbation, in the copies you have been so kind as to send me. I subscribe to every title of them. They contain the true principles of the revolution of 1800, for that was as real a revolution in the principles of our government as that of 1776 was in its form; not effected indeed by the sword, as that, but by the rational and peaceable instrument of reform, the suffrage of the people. The nation declared its will by dismissing functionaries of one principle, and electing those of another, in the two branches, executive and legislative, submitted to their

election. Over the judiciary department, the constitution had deprived them of their control. That, therefore, has continued the reprobated system, and although new matter has been occasionally incorporated into the old, yet the leaven of the old mass seems to assimilate to itself the new, and after twenty years' confirmation of the federated system by the voice of the nation, declared through the medium of elections, we find the judiciary on every occasion, still driving us into consolidation.

In denying the right they usurp of exclusively explaining the constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that "the judiciary is the last resort in relation *to the other departments* of the government, but not in relation to the rights of the parties to the compact under which the judiciary is derived." If this opinion be sound, then indeed is our constitution a complete *felo de se.* For intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone, the right to prescribe rules for the government of the others, and to that one too, which is unelected by, and independent of the nation. For experience has already shown that the impeachment it has provided is not even a scare-crow; that such opinions as the one you combat, sent cautiously out, as you observe also, by detachment, not belonging to the case often, but sought for out of it, as if to rally the public opinion beforehand to their views, and to indicate the line they are to walk in, have been so quietly passed over as never to have excited animadversion, even in a speech of any one of the body entrusted with impeachment. The constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any government is independent, is absolute also; in theory only, at first, while the spirit of the people is up, but in practice, as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law.

My construction of the constitution is very different from that you quote. It is that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the constitution in the cases submitted to its action; and especially, where it is to act ultimately and without appeal. I will explain myself by examples, which, having occurred while I was in office, are better known to me, and the principles which governed them.

A legislature had passed the sedition law. The federal courts had subjected certain individuals to its penalties of fine and imprisonment. On coming into office, I released these individuals by the power of pardon committed to executive discretion, which could never be more properly exercised than where citizens were suffering without the authority of law, or, which was equivalent, under a law unauthorized by the constitution, and therefore null. In the case of Marbury and Madison, the federal judges declared that commissions, signed and sealed by the President, were valid, although not delivered. I deemed delivery essential to complete a deed, which, as long as it remains in the hands of the party, is as yet no need, it is in *posse* only, but not in *esse*, and I withheld delivery of the commissions. They cannot issue a mandamus to the President or legislature, or to any of their officers.* When the British treaty of —— arrived, without any provision against the impressment of our seamen, I determined not to ratify it. The Senate thought I should ask their advice. I thought that would be a mockery of them, when I was predetermined against following it, should they advise its ratification. The constitution had made their advice necessary to confirm a treaty, but not to reject it. This has been blamed by some; but I have never doubted its soundness. In the cases of two persons, *antenati*, under exactly similar circumstances, the federal court had determined that one of them (Duane) was not a citizen; the House of Representatives nevertheless determined that the other (Smith, of South Carolina) was a citizen, and admitted him to his seat in their body. Duane was a republican, and Smith a

* The constitution controlling the common law in this particular.

federalist, and these decisions were made during the federal ascendancy.

These are examples of my position, that each of the three departments has equally the right to decide for itself what is its duty under the constitution, without any regard to what the others may have decided for themselves under a similar question. But you intimate a wish that my opinion should be known on this subject. No, dear Sir, I withdraw from all contests of opinion, and resign everything cheerfully to the generation now in place. They are wiser than we were, and their successors will be wiser than they, from the progressive advance of science. Tranquillity is the *summum bonum* of age. I wish, therefore, to offend no man's opinion, nor to draw disquieting animadversions on my own. While duty required it, I met opposition with a firm and fearless step. But loving mankind in my individual relations with them, I pray to be permitted to depart in their peace; and like the superannuated soldier, "*quadragenis stipendiis emeritis*," to hang my arms on the post. I have unwisely, I fear, embarked in an enterprise of great public concern, but not to be accomplished within my term, without their liberal and prompt support. A severe illness the last year, and another from which I am just emerged, admonish me that repetitions may be expected, against which a declining frame cannot long bear up. I am anxious, therefore, to get our University so far advanced as may encourage the public to persevere to its final accomplishment. That secured, I shall sing my *nunc demittas*. I hope your labors will be long continued in the spirit in which they have always been exercised, in maintenance of those principles on which I verily believe the future happiness of our country essentially depends. I salute you with affectionate and great respect.

TO MR. MOORE.

MONTICELLO, September 22, 1819.

I thank you, Sir, for the remarks on the pronunciation of the Greek language which you have been so kind as to send me. I have read them with pleasure, as I had the pamphlet of Mr. Pickering on the same subject. This question has occupied long and learned inquiry, and cannot, as I apprehend, be ever positively decided. Very early in my classical days, I took up the idea that the ancient Greek language having been changed by degrees into the modern, and the present race of that people having received it by tradition, they had of course better pretensions to the ancient pronunciation also, than any foreign nation could have. When at Paris, I became acquainted with some learned Greeks, from whom I took pains to learn the modern pronunciation. But I could not receive it as genuine *in toto*. I could not believe that the ancient Greeks had provided six different notations for the simple sound of ι, iota, and left the five other sounds which we give to *n*, *v*, ει, οι, υι, without any characters of notation at all. I could not acknowledge the υ, upsillon, as an equivalent to our *v*, as in Αχιλλευς, which they pronounce Achillevs, nor the γ, gamma, to our *y*, as in αλγεῖ, which they pronounce alye. I concluded, therefore, that as experience proves to us that the pronunciation of all languages changes, in their descent through time, that of the Greek must have done so also in some degree; and the more probably, as the body of the words themselves had substantially changed, and I presumed that the instances above mentioned might be classed with the degeneracies of time; a presumption strengthened by their remarkable cacophony. As to all the other letters, I have supposed we might yield to their traditionary claim of a more orthodox pronunciation. Indeed, they sound most of them as we do, and, where they differ, as in the ε, δ, χ, their sounds do not revolt us, nor impair the beauty of the language.

If we adhere to the Erasmian pronunciation, we must go to Italy for it, as we must do for the most probably correct pronun-

ciation of the language of the Romans, because rejecting the modern, we must argue that the ancient pronunciation was probably brought from Greece, with the language itself; and, as Italy was the country to which it was brought, and from which it emanated to other nations, we must presume it better preserved there than with the nations copying from them, who would be apt to affect its pronunciation with some of their own national peculiarities. And in fact, we find that no two nations pronounce it alike, although all pretend to the Erasmian pronunciation. But the whole subject is conjectural, and allows therefore full and lawful scope to the vagaries of the human mind. I am glad, however, to see the question stirred here; because it may excite among our young countrymen a spirit of inquiry and criticism, and lead them to more attention to this most beautiful of all languages. And wishing that the salutary example you have set may have this good effect, I salute you with great respect and consideration

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TO MR. SHORT.

MONTICELLO. October 31, 1819.

DEAR SIR,—Your favor of the 21st is received. My late illness, in which you are so kind as to feel an interest, was produced by a spasmodic stricture of the ilium, which came upon me on the 7th inst. The crisis was short, passed over favorably on the fourth day, and I should soon have been well but that a dose of calomel and jalap, in which were only eight or nine grains of the former, brought on a salivation. Of this, however, nothing now remains but a little soreness of the mouth. I have been able to get on horseback for three or four days past.

As you say of yourself, I too am an Epicurian. I consider the genuine (not the imputed) doctrines of Epicurus as containing everything rational in moral philosophy which Greece and Rome have left us. Epictetus indeed, has given us what was good of the stoics; all beyond, of their dogmas, being hypocrisy and grimace. Their great crime was in their calumnies of Epicurus

and misrepresentations of his doctrines; in which we lament to see the candid character of Cicero engaging as an accomplice. Diffuse, vapid, rhetorical, but enchanting. His prototype Plato, eloquent as himself, dealing out mysticisms incomprehensible to the human mind, has been deified by certain sects usurping the name of Christians; beeause, in his foggy conceptions, they found a basis of impenetrable darkness whereon to rear fabrications as delirious, of their own invention. These they fathered blasphemously on him whom they claimed as their founder, but who would disclaim them with the indignation which their caricatures of his religion so justly excite. Of Socrates we have nothing genuine but in the Memorabilia of Xenophon; for Plato makes him one of his Collocutors merely to cover his own whimsies under the mantle of his name; a liberty of which we are told Socrates himself complained. Seneca is indeed a fine moralist, disfiguring his work at times with some Stoicisms, and affecting too much of antithesis and point, yet giving us on the whole a great deal of sound and practical morality. But the greatest of all the reformers of the depraved religion of his own country, was Jesus of Nazareth. Abstracting what is really his from the rubbish in which it is buried, easily distinguished by its lustre from the dross of his biographers, and as separable from that as the diamond from the dunghill, we have the outlines of a system of the most sublime morality which has ever fallen from the lips of man; outlines which it is lamentable he did not live to fill up. Epictetus and Epicurus give laws for governing ourselves, Jesus a supplement of the duties and charities we owe to others. The establishment of the innocent and genuine character of this benevolent moralist, and the rescuing it from the imputation of imposture, which has resulted from artificial systems,* invented by ultra-Christian sects, unauthorized by a single word ever uttered by him, is a most desirable object, and one to which

* *e. g.* The immaculate conception of Jesus, his deification, the creation of the world by him, his miraculous powers, his resurrection and visible ascension, his corporeal presence in the Eucharist, the Trinity, original sin, atonement, regeneration, election, orders of Hierarchy, &c.

Priestley has successfully devoted his labors and learning. It would in time, it is to be hoped, effect a quiet euthanasia of the heresies of bigotry and fanaticism which have so long triumphed over human reason, and so generally and deeply afflicted mankind; but this work is to be begun by winnowing the grain from the chaff of the historians of his life. I have sometimes thought of translating Epictetus (for he has never been tolerable translated into English) by adding the genuine doctrines of Epicurus from the Syntagma of Gassendi, and an abstract from the Evangelists of whatever has the stamp of the eloquence and fine imagination of Jesus. The last I attempted too hastily some twelve or fifteen years ago. It was the work of two or three nights only, at Washington, after getting through the evening task of reading the letters and papers of the day. But with one foot in the grave, these are now idle projects for me. My business is to beguile the wearisomeness of declining life, as I endeavor to do, by the delights of classical reading and of mathematical truths, and by the consolations of a sound philosophy, equally indifferent to hope and fear.

I take the liberty of observing that you are not a true disciple of our master Epicurus, in indulging the indolence to which you say you are yielding. One of his canons, you know, was that "that indulgence which presents a greater pleasure, or produces a greater pain, is to be avoided." Your love of repose will lead, in its progress, to a suspension of healthy exercise, a relaxation of mind, an indifference to everything around you, and finally to a debility of body, and hebetude of mind, the farthest of all things from the happiness which the well-regulated indulgences of Epicurus ensure; fortitude, you know, is one of his four cardinal virtues. That teaches us to meet and surmount difficulties; not to fly from them, like cowards; and to fly, too, in vain, for they will meet and arrest us at every turn of our road. Weigh this matter well; brace yourself up; take a seat with Correa, and come and see the finest portion of your country, which, if you have not forgotten, you still do not know, because it is no longer the same as when you knew it. It will add much to the happi-

ness of my recovery to be able to receive Correa and yourself, and prove the estimation in which I hold you both. Come, too, and see our incipient University, which has advanced with great activity this year. By the end of the next, we shall have elegant accommodations for seven professors, and the year following the professors themselves. No secondary character will be received among them. Either the ablest which America or Europe can furnish, or none at all. They will give us the selected society of a great city separated from the dissipations and levities of its ephemeral insects.

I am glad the bust of Condorcet has been saved and so well placed. His genius should be before us; while the lamentable, but singular act of ingratitude which tarnished his latter days, may be thrown behind us.

I will place under this a syllabus of the doctrines of Epicurus, somewhat in the lapidary style, which I wrote some twenty years ago, a like one of the philosophy of Jesus, of nearly the same age, is too long to be copied. *Vale, et tibi persuade carissimum te esse mihi.*

Syllabus of the doctrines of Epicurus.

Physical.—The Universe eternal.

Its parts, great and small, interchangeable.

Matter and Void alone.

Motion inherent in matter which is weighty and declining.

Eternal circulation of the elements of bodies.

Gods, an order of beings next superior to man, enjoying in their sphere, their own felicities; but not meddling with the concerns of the scale of beings below them.

Moral.—Happiness the aim of life.

Virtue the foundation of happiness.

Utility the test of virtue.

Pleasure active and In-do-lent.

In-do-lence is the absence of pain, the true felicity.

Active, consists in agreeable motion; it is not happiness, but the means to produce it.

Thus the absence of hunger is an article of felicity; eating the means to obtain it.

The *summum bonum* is to be not pained in body, nor troubled in mind.

i. e. In-do-lence of body, tranquillity of mind.

To procure tranquillity of mind we must avoid desire and fear, the two principal diseases of the mind.

Man is a free agent.

Virtue consists in 1. Prudence. 2. Temperance. 3. Fortitude. 4. Justice.

To which are opposed, 1. Folly. 2. Desire. 3. Fear. 4. Deceit.

TO J. ADAMS, ESQ.

MONTICELLO, November 7, 1819.

DEAR SIR,—Three long and dangerous illnesses within the last twelve months, must apologize for my long silence towards you.

The paper bubble is then burst. This is what you and I, and every reasoning man, seduced by no obliquity of mind or interest, have long foreseen; yet its disastrous effects are not the less for having been foreseen. We were laboring under a dropsical fulness of circulating medium. Nearly all of it is now called in by the banks, who have the regulation of the safety-valves of our fortunes, and who condense and explode them at their will. Lands in this State cannot now be sold for a year's rent; and unless our Legislature have wisdom enough to effect a remedy by a gradual diminution only of the medium, there will be a general revolution of property in this State. Over our own paper and that of other States coming among us, they have competent powers; over that of the bank of the United States there is doubt, not here, but elsewhere. That bank will probably conform voluntarily to such regulations as the Legislature may prescribe for the others. If they do not, we must shut their doors, and join the other States which deny the right of Congress to establish banks, and solicit them to agree to some mode of settling this

constitutional question. They have themselves twice decided against their right, and twice for it. Many of the States have been uniform in denying it, and between such parties the Constitution has provided no umpire. I do not know particularly the extent of this distress in the other States; but southwardly and westwardly I believe all are involved in it. God bless you, and preserve you many years.

TO COLONEL JOHN NICHOLAS.

MONTICELLO, November 10, 1819.

SIR,—Your letter, and the draught of a memorial proposed to be presented to the Legislature, are duly received. With respect to impressions from any differences of political opinion, whether major or minor, alluded to in your letter, I have none. I left them all behind me on quitting Washington, where alone the state of things had, till then, required some attention to them. Nor was that the lightest part of the load I was there disburthened of; and could I permit myself to believe that with the change of circumstances a corresponding change had taken place in the minds of those who differed from me, and that I now stand in the peace and good will of my fellow-citizens generally, it would indeed be a sweetening ingredient in the last dregs of my life. It is not then from that source that my testimony may be scanty, but from a decaying memory, illy retaining things of recent transaction, and scarcely with any distinctness those of forty years back, the period to which your memorial refers: general impressions of them remain, but details are mostly obliterated.

Of the transfer of your corps from the general to the State line, and the other facts in the memorial preceding my entrance on the administration of the State government, June 2, 1779, I, of course, have no knowledge; but public documents, as well as living witnesses, will probably supply this. In 1780, I remember your appointment to a command in the militia sent under General Stevens to the aid of the Carolinas, of which fact the

commission signed by myself is sufficient proof. But I have no particular recollections which respect yourself personally in that service. Of what took place during Arnold's invasion in the subsequent winter I have more knowledge, because so much passed under my own eye, and I have the benefit of some notes to aid my memory. In the short interval of fifty-seven hours between our knowing they had entered James river and their actual debarkation at Westover, we could get together but a small body of militia, (my notes say of three hundred men only,) chiefly from the city and its immediate vicinities. You were placed in the command of these, and ordered to proceed to the neighborhood of the enemy, not with any view to face them directly with so small a force, but to hang on their skirts, and to check their march as much as could be done, to give time for the more distant militia to assemble. The enemy were not to be delayed, however, and were in Richmond in twenty-four hours from their being formed on shore at Westover. The day before their arrival at Richmond, I had sent my family to Tuckahoe, as the memorial states, at which place I joined them about 1 o'clock of that night, having attended late at Westham, to have the public stores and papers thrown across the river. You came up to us at Tuckahoe the next morning, and accompanied me, I think, to Britton's opposite Westham, to see about the further safety of the arms and other property. Whether you stayed there to look after them, or went with me to the heights of Manchester, and returned thence to Britton's, I do not recollect. The enemy evacuated Richmond at noon of the 5th of January, having remained there but twenty-three hours. I returned to it in the morning of the 8th, they being still encamped at Westover and Berkley, and yourself and corps at the Forest. They re-embarked at 1 o'clock of the 10th. The particulars of your movements down the river, to oppose their re-landing at different points, I do not specifically recollect, but, as stated in the memorial, they are so much in agreement with my general impressions, that I have no doubt of their correctness, and I know that your conduct from the first advance of the enemy to his depar-

ture, was approved by myself and by others generally. The rendezvous of the militia at the Tuckahoe bridge, and your having the command of them, I think I also remember, but nothing of their subsequent movements. The legislature had adjourned to meet at Charlottesville, where, at the expiration of my second year, I declined a re-election in the belief that a military man would be more likely to render services adequate to the exigencies of the times. Of the subsequent facts, therefore, stated in the memorial, I have no knowledge.

This, Sir, is the sum of the information I am able to give on the subjects of your memorial, and if it may contribute to the purposes of justice in your case, I shall be happy that in bearing testimony to the truth, I shall have rendered you a just service. I return the memorial and commission, as requested, and pray you to accept my respectful salutations.

TO MR. RIVES.

MONTICELLO, November 28, 1819.

DEAR SIR,—The distresses of our country, produced first by the flood, then by the ebb of bank paper, are such as cannot fail to engage the interposition of the legislature. Many propositions will, of course, be offered, from all of which something may probably be culled to make a good whole. I explained to you my project, when I had the pleasure of possessing you here; and I now send its outline in writing, as I believe I promised you. Although preferable things will I hope be offered, yet some twig of this may perhaps be thought worthy of being engrafted on a better stock. But I send it with no particular object or request, but to use it as you please. Suppress it, suggest it, sound opinions, or anything else, at will, only keeping my name unmentioned, for which purpose it is copied in another hand, being ever solicitous to avoid all offence which is heavily felt, when retired from the bustle and contentions of the world. If we suffer the moral of the present lesson to pass away without improvement

by the eternal suppression of bank *paper*, then indeed is the condition of our country desperate, until the slow advance of public instruction shall give to our functionaries the wisdom of their station. *Vale, et tibi persuade carissimum te mihi esse.*

Plan for reducing the circulating medium.

The plethory of circulating medium which raised the prices of everything to several times their ordinary and standard value, in which state of things many and heavy debts were contracted; and the sudden withdrawing too great a proportion of that medium, and reduction of prices far below that standard, constitute the disease under which we are now laboring, and which must end in a general revolution of property, if some remedy is not applied. That remedy is clearly a gradual reduction of the medium to its standard level, that is to say, to the level which a metallic medium will always find for itself, so as to be in equilibrio with that of the nations with which we have commerce.

To effect this,

Let the whole of the present paper medium be suspended in its circulation after a certain and not distant day.

Ascertain by proper inquiry the greatest sum of it which has at any one time been in actual circulation.

Take a certain term of years for its gradual reduction, suppose it to be five years; then let the solvent banks issue $\frac{4}{5}$ of that amount in new notes, to be attested by a public officer, as a security that neither more or less is issued, and to be given out in exchange for the suspended notes, and the surplus in discount.

Let $\frac{1}{5}$th of these notes bear on their face that the bank will discharge them with specie at the end of one year; another 5th at the end of two years; a third 5th at the end of three years; and so of the 4th and 5th. They will be sure to be brought in at their respective periods of redemption.

Make it a high offence to receive or pass within this State a note of any other.

There is little doubt that our banks will agree readily to this operation; if they refuse, declare their charters forfeited by their

former irregularities, and give summary process against them for the suspended notes.

The Bank of the United States will probably concur also; if not, shut their doors and join the other States in respectful, but firm applications to Congress, to concur in constituting a tribunal (a special convention, *e. g.*) for settling amicably the question of their right to institute a bank, and that also of the States to do the same.

A stay-law for the suspension of executions, and their discharge at five annual instalments, should be accommodated to these measures.

Interdict forever, to both the State and national governments, the power of establishing any paper bank; for without this interdiction, we shall have the same ebbs and flows of medium, and the same revolutions of property to go through every twenty or thirty years.

In this way the value of property, keeping pace nearly with the sum of circulating medium, will descend gradually to its proper level, at the rate of about $\frac{1}{5}$ every year, the sacrifices of what shall be sold for payment of the first instalments of debts will be moderate, and time will be given for economy and industry to come in aid of those subsequent. Certainly no nation ever before abandoned to the avarice and jugglings of private individuals to regulate, according to their own interests, the quantum of circulating medium for the nation, to inflate, by deluges of paper, the nominal prices of property, and then to buy up that property at 1s. in the pound, having first withdrawn the floating medium which might endanger a competition in purchase. Yet this is what has been done, and will be done, unless stayed by the protecting hand of the legislature. The evil has been produced by the error of their sanction of this ruinous machinery of banks; and justice, wisdom, duty, all require that they should interpose and arrest it before the schemes of plunder and spoliation desolate the country. It is believed that Harpies are already hoarding their money to commence these scenes on the separation of the legislature; and we know that lands have been already sold under the hammer for less than a year's rent.

TO JOHN ADAMS.

MONTICELLO, December 10, 1819.

DEAR SIR,—I have to acknowledge the receipt of your favor of November the 23d. The banks, bankrupt law, manufactures, Spanish treaty, are nothing. These are occurences which, like waves in a storm, will pass under the ship. But the Missouri question is a breaker on which we lose the Missouri country by revolt, and what more, God only knows. From the battle of Bunker's Hill to the treaty of Paris, we never had so ominous a question. It even damps the joy with which I hear of your high health, and welcomes to me the consequences of my want of it. I thank God that I shall not live to witness its issue. *Sed hæc hactenus.*

I have been amusing myself latterly with reading the voluminous letters of Cicero. They certainly breathe the purest effusions of an exalted patriot, while the parricide Cæsar is lost in odious contrast. When the enthusiasm, however, kindled by Cicero's pen and principles, subsides into cool reflection, I ask myself, what was that government which the virtues of Cicero were so zealous to restore, and the ambition of Cæsar to subvert? And if Cæsar had been as virtuous as he was daring and sagacious, what could he, even in the plenitude of his usurped power, have done to lead his fellow citizens into good government? I do not say to *restore it*, because they never had it, from the rape of the Sabines to the ravages of the Cæsars. If their people indeed had been, like ourselves, enlightened, peaceable, and really free, the answer would be obvious. "Restore independence to all your foreign conquests, relieve Italy from the government of the rabble of Rome, consult it as a nation entitled to self-government, and do its will." But steeped in corruption, vice and venality, as the whole nation was, (and nobody had done more than Cæsar to corrupt it,) what could even Cicero, Cato, Brutus have done, had it been referred to them to establish a good government for their country? They had no ideas of government themselves, but of their degenerate Senate, nor the

people of liberty, but of the factious opposition of their Tribunes. They had afterwards their Tituses, their Trajans and Antoninuses, who had the will to make them happy, and the power to mould their governmant into a good and permanent form. But it would seem as if they could not see their way clearly to do it. No government can continue good, but under the control of the people; and their people were so demoralized and depraved, as to be incapable of exercising a wholesome control. Their reformation then was to be taken up *ab incunabulis*. Their minds were to be informed by education what is right and what wrong; to be encouraged in habits of virtue, and deterred from those of vice by the dread of punishments, proportioned indeed, but irremissible; in all cases, to follow truth as the only safe guide, and to eschew error, which bewilders us in one false consequence after another, in endless succession. These are the inculcations necessary to render the people a sure basis for the structure of order and good government. But this would have been an operation of a generation or two, at least, within which period would have succeeded many Neros and Commoduses, who would have quashed the whole process. I confess then, I can neither see what Cicero, Cato and Brutus, united and uncontrolled, could have devised to lead their people into good government, nor how this enigma can be solved, nor how further shown why it has been the fate of that delightful country never to have known, to this day, and through a course of five and twenty hundred years, the history of which we possess, one single day of free and rational government. Your intimacy with their history, ancient middle and modern, your familiarity with the improvements in the science of government at this time, will enable you, if any body, to go back with our principles and opinions to the times of Cicero, Cato and Brutus, and tell us by what process these great and virtuous men could have led so unenlightened and vitiated a people into freedom and good government, *et eris mihi magnus Apollo. Cura ut valeas, et tibi persuadeas carissimum te mihi esse.*

JOHN ADAMS TO THOMAS JEFFERSON.

MONTEZILLO, December 21, 1819.

DEAR SIR,—I must answer your great question of the 10th in the words of Dalembert to his correspondent, who asked him what is matter—"*Je vous avoue je ne sçais rien.*" In some part of my life I record a great work of a Scotchman on the court of Augustus, in which, with much learning, hard study, and fatiguing labor, he undertook to prove that had Brutus and Cassius been conqueror, they would have restored virtue and liberty to Rome.

Mais je n'en crois rien. Have you ever found in history one single example of a nation, thoroughly corrupted, that was afterwards restored to virtue, and without virtue there can be no political liberty.

If I were a Calvinist, I might pray that God by a miracle of divine grace would instantaneously convert a whole contaminated nation from turpitude to purity; but even in this I should be inconsistent, for the fatalism of Mahometanism, Materialists, Atheists, Pantheists, and Calvinists, and church of England articles, appear to me to render all prayer futile and absurd. The French and the Dutch, in our day, have attempted reforms and revolutions. We know the results, and I fear the English reformers will have no better success.

Will you tell me how to prevent riches from becoming the effects of temperance and industry. Will you tell me how to prevent riches from producing luxury. Will you tell me how to prevent luxury from producing effeminacy, intoxication, extravagance, vice and folly? When you will answer me these questions, I hope I may venture to answer yours; yet all these ought not to discourage us from exertion, for with my friend Jeb, I believe no effort in favor of virtue is lost, and all good men ought to struggle both by their council and example.

The Missouri question, I hope, will follow the other waves under the ship, and do no harm. I know it is high treason to express a doubt of the perpetual duration of our vast American

empire, and our free institution; and I say as devoutly as father Paul, *estor perpetua*, but I am sometimes Cassandra enough to dream that another Hamilton, and another Burr, might rend this mighty fabric in twain, or perhaps into a leash; and a few more choice spirits of the same stamp, might produce as many nations in North America as there are in Europe.

To return to the Romans. I never could discover that they possessed much virtue, or real liberty. Their Patricians were in general griping usurers, and tyrannical creditors in all ages. Pride, strength, and courage, were all the virtues that composed their national characters; a few of their nobles effecting simplicity, frugality, and piety, perhaps really possessing them, acquired popularity amongst the plebeians, and extended the power and dominions of the republic, and advanced in glory till riches and luxury come in, sat like an incubus on the Republic, *victam que ulcissitur orbem.*

Our winter sets in a fortnight earlier than usual, and is pretty severe. I hope you have fairer skies, and milder air. Wishing your health may last as long as your life, and your life as long as you desire it, I am, dear Sir, respectfully and affectionately,

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TO H. NELSON, ESQ.

MONTICELLO, March 12, 1820

I thank you, dear Sir, for the information in your favor of the 4th instant, of the settlement, *for the present*, of the Missouri question. I am so completely withdrawn from all attention to public matters, that nothing less could arouse me than the definition of a geographical line, which on an abstract principle is to become the line of separation of these States, and to render desperate the hope that man can ever enjoy the two blessings of peace and self-government. The question sleeps for the present, but is not dead. This State is in a condition of unparalleled distress. The sudden reduction of the circulating medium from a plethory to all but annihilation is producing an entire revolution

of fortune. In other places I have known lands sold by the sheriff for one year's rent; beyond the mountain we hear of good slaves selling for one hundred dollars, good horses for five dollars, and the sheriffs generally the purchasers. Our produce is now selling at market for one-third of its price, before this commercial catastrophe, say flour at three and a quarter and three and a half dollars the barrel. We should have less right to expect relief from our legislators if they had been the establishers of the unwise system of banks. A remedy to a certain degree was practicable, that of reducing the quantum of circulation gradually to a level with that of the countries with which we have commerce, and an eternal abjuration of paper. But they have adjourned without doing anything. I fear local insurrections against these horrible sacrifices of property. In every condition of trouble or tranquillity be assured of my constant esteem and respect.

TO MR. ADAMS.

MONTICELLO, March 14, 1820.

DEAR SIR,—A continuation of poor health makes me an irregular correspondent. I am, therefore, your debtor for the two letters of January 20th and February 21st. It was after you left Europe that Dugald Stuart, concerning whom you inquire, and Lord Dare, second son of the Marquis of Lansdown, came to Paris. They brought me a letter from Lord Wycombe, whom you knew. I became immediately intimate with Stuart, calling mutually on each other and almost daily, during their stay at Paris, which was of some months. Lord Dare was a young man of imagination, with occasional flashes indicating deep penetration, but of much caprice, and little judgment. He has been long dead, and the family title is now, I believe, in the third son, who has shown in Parliament talents of a superior order. Stuart is a great man, and among the most honest living. I have heard nothing of his dying at top, as you suppose. Mr. Ticknor, however, can give you the best information on that subject, as he

must have heard particularly of him when in Edinburgh, although I believe he did not see him. I have understood he was then in London superintending the publication of a new work. I consider him and Tracy as the ablest metaphysicians living; by which I mean investigators of the thinking faculty of man. Stuart seems to have given its natural history from facts and observations; Tracy its modes of action and deduction, which he calls Logic, and Ideology; and Cabanis, in his Physique et Morale de l'Homme, has investigated anatomically, and most ingeniously, the particular organs in the human structure which may most probably exercise that faculty. And they ask why may not the mode of action called thought, have been given to a material organ of peculiar structure, as that of magnetism is to the needle, or of elasticity to the spring by a particular manipulation of the steel. They observe that on ignition of the needle or spring, their magnetism and elasticity cease. So on dissolution of the material organ by death, its action of thought may cease also, and that nobody supposes that the magnetism or elasticity retire to hold a substantive and distinct existence. These were qualities only of particular conformations of matter; change the conformation, and its qualities change also. Mr. Locke, you know, and other materialists, have charged with blasphemy the spiritualists who have denied the Creator the power of endowing certain forms of matter with the faculty of thought. These, however, are speculations and subtleties in which, for my own part, I have little indulged myself. When I meet with a proposition beyond finite comprehension, I abandon it as I do a weight which human strength cannot lift, and I think ignorance, in these cases, is truly the softest pillow on which I can lay my head. Were it necessary, however, to form an opinion, I confess I should, with Mr. Locke, prefer swallowing one incomprehensibility rather than two. It requires one effort only to admit the single incomprehensibility of matter endowed with thought, and two to believe, first that of an existence called spirit, of which we have neither evidence nor idea, and then secondly how that spirit, which has neither extension nor solidity, can put material

organs into motion. These are things which you and I may perhaps know ere long. We have so lived as to fear neither horn of the dilemma. We have, willingly, done injury to no man; and have done for our country the good which has fallen in our way, so far as commensurate with the faculties given us. That we have not done more than we could, cannot be imputed to us as a crime before any tribunal. I look, therefore, to the crisis, as I am sure you also do, as one "*qui summum nec metuit diem nec optat.*" In the meantime be our last as cordial as were our first affections.

TO THE HONORABLE MARK LANGDON HILL.

MONTICELLO, April 5. 1820.

SIR,—A near relation of my late friend Governor Langdon, needs no apology for addressing a letter to me, that relationship giving sufficient title to all my respect. We were fellow laborers from the beginning of the first to the accomplishment of the second revolution in our government, of the same zeal and the same sentiments, and I shall honor his memory while memory remains to me. The letter you mention is proof of my friendship and unreserved confidence in him; it was written in warm times, and is therefore too warmly expressed for the more reconciled temper of the present day. I must pray you, therefore, not to let it get before the public, lest it rekindle a flame which burnt too long and too fiercely against me. It was my lot to be placed at the head of the column which made the first breach in the ramparts of federalism, and to be charged, on that event, with the duty of changing the course of the government from what we deemed a monarchical, to its republican tack. This made me the mark for every shaft which calumny and falsehood could point against me. I bore them with resignation, as one of the duties imposed on me by my post. But I assure you it was among the most painful duties from which I hoped to find relief in retirement. Tranquillity is the *summum bonum* of old age and ill health, and nothing could so much disturb this with me

as to awaken angry feelings from the slumber in which I wish them ever to remain. I beseech you then, good Sir, in the name of my departed friend, not to bring on me a contention which neither duty nor public good require me to encounter.

I regret the circumstances which have deprived us of the pleasure of your visit, but console myself with the French proverb that "all is not lost which is deferred," and the hope that more favorable circumstances will some day give us that gratification. I congratulate you on the sleep of the Missouri question. I wish I could say on its death, but of this I despair. The idea of a geographical line once suggested will brood in the minds of all those who prefer the gratification of their ungovernable passions to the peace and union of their country. If I do not contemplate this subject with pleasure, I do sincerely that of the independence of Maine, and the wise choice they have made of General King in the agency of their affairs, and I tender to yourself the assurance of my esteem and respect.

TO WILLIAM SHORT.

MONTICELLO, April 13. 1820.

DEAR SIR,—Your favor of March the 27th is received, and as you request, a copy of the syllabus is now enclosed. It was originally written to Dr. Rush. On his death, fearing that the inquisition of the public might get hold of it, I asked the return of it from the family, which they kindly complied with. At the request of another friend, I had given him a copy. He lent it to *his* friend to read, who copied it, and in a few months it appeared in the Theological Magazine of London. Happily that repository is scarcely known in this country, and the syllabus, therefore, is still a secret, and in your hands I am sure it will continue so.

But while this syllabus is meant to place the character of Jesus in its true and high light, as no impostor himself, but a great reformer of the Hebrew code of religion, it is not to be understood

that I am with him in all his doctrines. I am a Materialist; he takes the side of Spiritualism; he preaches the efficacy of repentance towards forgiveness of sin; I require a counterpoise of good works to redeem it, &c., &c. It is the innocence of his character, the purity and sublimity of his moral precepts, the eloquence of his inculcations, the beauty of the apologues in which he conveys them, that I so much admire; sometimes, indeed, needing indulgence to eastern hyperbolism. My eulogies, too, may be founded on a postulate which all may not be ready to grant. Among the sayings and discourses imputed to him by his biographers, I find many passages of fine imagination, correct morality, and of the most lovely benevolence; and others, again, of so much ignorance, so much absurdity, so much untruth, charlatanism and imposture, as to pronounce it impossible that such contradictions should have proceeded from the same being. I separate, therefore, the gold from the dross; restore to him the former, and leave the latter to the stupidity of some, and roguery of others of his disciples. Of this band of dupes and impostors, Paul was the great Coryphæus, and first corruptor of the doctrines of Jesus. These palpable interpolations and falsifications of his doctrines, led me to try to sift them apart. I found the work obvious and easy, and that his part composed the most beautiful morsel of morality which has been given to us by man. The syllabus is therefore of *his* doctrines, not *all* of *mine*. I read them as I do those of other ancient and modern moralists, with a mixture of approbation and dissent.

I rejoice, with you, to see an encouraging spirit of internal improvement prevailing in the States. The opinion I have ever expressed of the advantages of a western communication through the James river, I still entertain; and that the Cayuga is the most promising of the links of communication.

The history of our University you know so far. Seven of the ten pavilions destined for the professors, and about thirty dormitories, will be completed this year, and three other, with six hotels for boarding, and seventy other dormitories, will be completed the next year, and the whole be in readiness then to re-

ceive those who are to occupy them. But means to bring these into place, and to set the machine into motion, must come from the legislature. An opposition, in the meantime, has been got up. That of our *alma mater*, William and Mary, is not of much weight. She must descend into the secondary rank of academies of preparation for the University. The serious enemies are the priests of the different religious sects, to whose spells on the human mind its improvement is ominous. Their pulpits are now resounding with denunciations against the appointment of Doctor Cooper, whom they charge as a monotheist in opposition to their tritheism. Hostile as these sects are, in every other point, to one another, they unite in maintaining their mystical theogony against those who believe there is one God only. The Presbyterian clergy are loudest; the most intolerant of all sects, the most tyrannical and ambitious; ready at the word of the lawgiver, if such a word could be now obtained, to put the torch to the pile, and to rekindle in this virgin hemisphere, the flames in which their oracle Calvin consumed the poor Servetus, because he could not find in his Euclid the proposition which has demonstrated that three are one and one is three, nor subscribe to that of Calvin, that magistrates have a right to exterminate all heretics to Calvinistic Creed. They pant to re-establish, *by law*, that holy inquisition, which they can now only infuse into *public opinion*. We have most unwisely committed to the hierophants of our particular superstition, the direction of public opinion, that lord of the universe. We have given them stated and privileged days to collect and catechise us, opportunities of delivering their oracles to the people in mass, and of moulding their minds as wax in the hollow of their hands. But in despite of their fulminations against endeavors to enlighten the general mind, to improve the reason of the people, and encourage them in the use of it, the liberality of this State will support this institution, and give fair play to the cultivation of reason. Can you ever find a more eligible occasion of visiting once more your native country, than that of accompanying Mr. Correa, and of seeing with him this beautiful and hopeful institution *in ovo?*

Although I had laid down as a law to myself, never to write, talk, or even think of politics, to know nothing of public affairs, and therefore had ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The old schism of federal and republican threatened nothing, because it existed in every State, and united them together by the fraternism of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion and renewing irritations, until it would kindle such mutual and mortal hatred, as to render separation preferable to eternal discord. I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question; not by the line which has been so confidently counted on; the laws of nature control this; but by the Potomac, Ohio and Missouri, or more probably, the Mississippi upwards to our northern boundary. My only comfort and confidence is, that I shall not live to see this; and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self-government? This treason against human hope, will signalize their epoch in future history, as the counterpart of the medal of their predecessors.

You kindly inquire after my health. There is nothing in it immediately threatening, but swelled legs, which are kept down mechanically, by bandages from the toe to the knee. These I have worn for six months. But the tendency to turgidity may proceed from debility alone. I can walk the round of my garden; not more. But I ride six or eight miles a day without fatigue. I shall set out for Poplar Forest within three or four days; a journey from which my physician augurs much good.

I salute you with constant and affectionate friendship and respect.

TO JOHN HOLMES.

MONTICELLO, April 22, 1820.

I thank you, dear Sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and *expatriation* could be effected; and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other. Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of coadjutors. An abstinence too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the constitution has taken

from them and given to the General Government. Could Congress, for example, say, that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against an abstract principle more likely to be effected by union than by scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world. To yourself, as the faithful advocate of the Union, I tender the offering of my high esteem and respect.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, May 14, 1820.

DEAR SIR,—Your favor of the 3d is received, and always with welcome. These texts of truth relieve me from the floating falsehoods of the public papers. I confess to you I am not sorry for the non-ratification of the Spanish treaty. Our assent to it has proved our desire to be on friendly terms with Spain; their dissent, the imbecility and malignity of their government towards us, have placed them in the wrong in the eyes of the world, and that is well; but to us the province of Techas will be the richest State of our Union, without any exception. Its southern part will make more sugar than we can consume, and the Red river, on its north, is the most luxuriant country on earth. Florida, moreover, is ours. Every nation in Europe considers it such a right. We need not care for its occupation in time of peace, and, in war, the first cannon makes it ours without offence to anybody. The friendly advisements, too, of Russia and France, as well as the change of government in Spain, now ensured, require a fur-

ther and respectful forbearance. While their request will rebut the plea of proscriptive possession, it will give us a right to their approbation when taken in the maturity of circumstances. I really think, too, that neither the state of our finances, the condition of our country, nor the public opinion, urges us to precipitation into war. The treaty has had the valuable effect of strengthening our title to the Techas, because the cession of the Floridas in exchange for Techas imports an acknowledgment of our right to it. This province moreover, the Floridas and possibly Cuba, will join us on the acknowledgment of their independence, a measure to which thoir new government will probably accede voluntarily. But why should I be saying all this to you, whose mind all the circumstances of this affair have had possession for years? I shall rejoice to see you here; and were I to live to see you here finally, it would be a day of jubilee. But our days are all numbered, and mine are not many. God bless you and preserve you *muchos años*

TO GENERAL TAYLOR.

MONTICELLO, May 16, 1820.

DEAR SIR,—We regretted much your absence at the late meeting of the Board of Visitors, but did not doubt it was occasioned by uncontrollable circumstances. As the matters which came before us were of great importance to the institution, I think it a duty to inform you of them.

You know the sanction of the legislature to our borrowing $60,000 on the pledge of our annuity of $15,000. The Literary Board offered us $40,000 on that pledge, to be repaid at five instalments, commencing at the end of the third year from the date of the loan, and interest to be regularly paid in the meantime. We endeavored to obtain permission to draw for only $15,000 at first, and for $2,000 monthly afterwards, to avoid the payment of dead interest. This they declined, as bound themselves to keep the whole of their capital always in a course of

fructification. We then requested a postponement of the instalments to the fourth instead of the third year, with an additional loan of the further sum of $20,000, authorized by the law. To the postponement they acceded, and we are assured they will to the further loan. To explain to them the urgency of this additional year's postponement, a paper was laid before them of which I enclose you a copy, and on which you are now acting. Should the legislature not help us to the $93,600 there noted, the result will be that at the end of the next year all the buildings will be completed, (the library excepted,) and will then remain unoccupied five years longer, until our funds shall be free for the engagements of professors. Should they, on the other hand, give this aid, our funds will be free, at the beginning of the next year, and will enable us to take measures for procuring professors in the course of that summer, and to open the University. We were all of opinion that we ought to complete the buildings for the ten professors contemplated, as well as accommodations for the students, before opening the institution; for were we to stop at any point short of the full establishment, and open partially, as our funds would thenceforward be absorbed by the professors' salaries, we should never be able to advance a step further, nor to cover the whole field of science contemplated by the law, and made the object of our care and duty. We thought it better, therefore, to risk a delay of eight years for a perfect establishment, than to begin earlier and go on forever with a defective one; and we suppose it impossible that either the legislature, or their constituents, should not consider an immediate commencement as worth the sum necessary to procure it. You will observe that in the estimate enclosed, no account is taken of our subscription monies. They are, in fact, too uncertain in their collection to found any necessary contracts; and we thought it better therefore to reserve them as a contingent fund, and a resource to cover miscalculations and accidents.

Another subject on this, as on former occasions, gave us embarrassment. You may have heard of the hue and cry raised from the different pulpits on our appointment of Dr. Cooper,

whom they charge with Unitarianism as boldly as if they knew the fact, and as presumptuously as if it were a crime, and one for which, like Servetus, he should be burned; and perhaps you may have seen the particular attack made on him in the Evangelical magazine. For myself I was not disposed to regard the denunciations of these satellites of religious inquisition; but our colleagues, better judges of popular feeling, thought that they were not to be altogether neglected; and that it might be better to relieve Dr. Cooper, ourselves and the institution from this crusade. I had received a letter from him expressing his uneasiness, not only for himself, but lest this persecution should become embarrassing to the visitors, and injurious to the institution; with an offer to resign, if we had the same apprehensions. The Visitors, therefore, desired the committee of Superintendence to place him at freedom on this subject, and to arrange with him a suitable indemnification. I wrote accordingly in answer to his, and a meeting of trustees of the college at Columbia happening to take place soon after his receipt of my letter, they resolved unanimously that it should be proposed to, and urged on their legislature, to establish a professorship of Geology and Mineralogy, or a professorship of law, with a salary of $1,000 a year to be given him, in addition to that of chemistry, which is $2,000 a year, and to purchase his collection of minerals; and they have no doubt of the legislature's compliance. On the subject of indemnification, he is contented with the balance of the $1,500 we had before agreed to give him, and which he says will not more than cover his actual losses of time and expense; he adds, "it is right I should acknowledge the liberality of your board with thanks. I regret the storm that has been raised on my account; for it has separated me from many fond hopes and wishes. Whatever my religious creed may be, and perhaps I do not exactly know it myself, it is pleasure to reflect that my conduct has not brought, and is not likely to bring, discredit to my friends. Wherever I have been, it has been my good fortune to meet with, or to make ardent and affectionate friends. I feel persuaded I should have met with the same lot in Virginia had it

been my chance to have settled there, as I had hoped and expected, for I think my course of conduct is sufficiently habitual to count on its effects."

I do sincerely lament that untoward circumstances have brought on us the irreparable loss of this professor, whom I have looked to as the corner-stone of our edifice. I know no one who could have aided us so much in forming the future regulations for our infant institution; and although we may perhaps obtain from Europe equivalents in science, they can never replace the advantages of his experience, his knowledge of the character, habits and manners of our country, his identification with its sentiments and principles, and high reputation he has obtained in it generally.

In the hope of meeting you at our fall visitation, and that you will do me the favor of making this your head quarters, and of coming the day before, at least, that we may prepare our business at ease, I tender you the assurance of my great esteem and respect.

TO WILLIAM SHORT.

MONTICELLO, August 4, 1820

DEAR SIR,—I owe you a letter for your favor of June the 29th, which was received in due time; and there being no subject of the day, of particular interest, I will make this a supplement to mine of April the 13th. My aim in that was, to justify the character of Jesus against the fictions of his pseudo-followers, which have exposed him to the inference of being an impostor. For if we could believe that he really countenanced the follies, the falsehoods, and the charlatanisms which his biographers father on him, and admit the misconstructions, interpolations, and theorizations of the fathers of the early, and fanatics of the latter ages, the conclusion would be irresistible by every sound mind, that he was an impostor. I give no credit to their falsifications of his actions and doctrines, and to rescue his character, the posulate in my letter asked only what is granted in reading every

other historian. When Livy and Siculus, for example, tell us things which coincide with our experience of the order of nature, we credit them on their word, and place their narrations among the records of credible history. But when they tell us of calves speaking, of statues sweating blood, and other things against the course of nature, we reject these as fables not belonging to history. In like manner, when an historian, speaking of a character well known and established on satisfactory testimony, imputes to it things incompatible with that character, we reject them without hesitation, and assent to that only of which we have better evidence. Had Plutarch informed us that Cæsar and Cicero passed their whole lives in religious exercises, and abstinence from the affairs of the world, we should reject what was so inconsistent with their established characters, still crediting what he relates in conformity with our ideas of them. So again, the superlative wisdom of Socrates is testified by all antiquity, and placed on ground not to be questioned. When, therefore, Plato puts into his mouth such paralogisms, such quibbles on words, and sophisms as a school boy would be ashamed of, we conclude they were the whimsies of Plato's own foggy brain, and acquit Socrates of puerilities so unlike his character. (Speaking of Plato, I will add, that no writer, ancient or modern, has bewildered the world with more *ignus fatui*, than this renowned philosopher, in Ethics, in Politics, and Physics. In the latter, to specify a single example, compare his views of the animal economy, in his Timæus, with those of Mrs. Bryan in her Conversations on Chemistry, and weigh the science of the canonized philosopher against the good sense of the unassuming lady. But Plato's visions have furnished a basis for endless systems of mystical theology, and he is therefore all but adopted as a Christian saint. It is surely time for men to think for themselves, and to throw off the authority of names so artificially magnified. But to return from this parenthesis.) I say, that this free exercise of reason is all I ask for the vindication of the character of Jesus. We find in the writings of his biographers matter of two distinct descriptions. First, a groundwork of vulgar ignorance, of things

impossible, of superstitions, fanaticisms, and fabrications. Intermixed with these, again, are sublime ideas of the Supreme Being, aphorisms, and precepts of the purest morality and benevolence, sanctioned by a life of humility, innocence and simplicity of manners, neglect of riches, absence of worldly ambition and honors, with an eloquence and persuasiveness which have not been surpassed. These could not be inventions of the grovelling authors who relate them. They are far beyond the powers of their feeble minds. They show that there was a character, the subject of their history, whose splendid conceptions were above all suspicion of being interpolations from their hands. Can we be at a loss in separating such materials, and ascribing each to its genuine author? The difference is obvious to the eye and to the understanding, and we may read as we run to each his part; and I will venture to affirm, that he who, as I have done, will undertake to winnow this grain from the chaff, will find it not to require a moment's consideration. The parts fall asunder of themselves, as would those of an image of metal and clay.

There are, I acknowledge, passages not free from objection, which we may, with probability, ascribe to Jesus himself; but claiming indulgence from the circumstances under which he acted. His object was the reformation of some articles in the religion of the Jews, as taught by Moses. That sect had presented for the object of their worship, a being of terrific character, cruel, vindictive, capricious, and unjust. Jesus, taking for his type the best qualities of the human head and heart, wisdom, justice, goodness, and adding to them power, ascribed all of these, but in infinite perfection, to the Supreme Being, and formed him really worthy of their adoration. Moses had either not believed in a future state of existence, or had not thought it essential to be explicitly taught to his people. Jesus inculcated that doctrine with emphasis and precision. Moses had bound the Jews to many idle ceremonies, mummeries, and observances, of no effect towards producing the social utilities which constitute the essence of virtue; Jesus exposed their futility and insignificance. The one instilled into his people the most anti-social

spirit toward other nations; the other preached philanthropy and universal charity and benevolence. The office of reformer of the superstitions of a nation, is ever dangerous. Jesus had to walk on the perilous confines of reason and religion; and a step to right or left might place him within the grasp of the priests of the superstition, a blood-thirsty race, as cruel and remorseless as the being whom they represented as the family God of Abraham, of Isaac and of Jacob, and the local God of Israel. They were constantly laying snares, too, to entangle him in the web of the law. He was justifiable, therefore, in avoiding these by evasions, by sophisms, by misconstructions and misapplications of scraps of the prophets, and in defending himself with these their own weapons, as sufficient, *ad homines*, at least. That Jesus did not mean to impose himself on mankind as the son of God, physically speaking, I have been convinced by the writings of men more learned than myself in that lore. But that he might conscientiously believe himself inspired from above, is very possible. The whole religion of the Jew, inculcated on him from his infancy, was founded in the belief of divine inspiration. The fumes of the most disorded imaginations were recorded in their religious code, as special communications of the Deity; and as it could not but happen that, in the course of ages, events would now and then turn up to which some of these vague rhapsodies might be accommodated by the aid of allegories, figures, types, and other tricks upon words, they have not only preserved their credit with the Jews of all subsequent times, but are the foundation of much of the religions of those who have schismatised from them. Elevated by the enthusiasm of a warm and pure heart, conscious of the high strains of an eloquence which had not been taught him, he might readily mistake the coruscations of his own fine genius for inspirations of an higher order. This belief carried, therefore, no more personal imputation, than the belief of Socrates, that himself was under the care and admonitions of a guardian Dæmon. And how many of our wisest men still believe in the reality of these inspirations, while perfectly sane on all other subjects. Excusing,

therefore, on these considerations, those passages in the gospels which seem to bear marks of weakness in Jesus, ascribing to him what alone is consistent with the great and pure character of which the same writings furnish proofs, and to their proper authors their own trivialities and imbecilities, I think myself authorized to conclude the purity and distinction of his character, in opposition to the impostures which those authors would fix upon him; and that the postulate of my former letter is no more than is granted in all other historical works.

Mr. Correa is here, on his farewell visit to us. He has been much pleased with the plan and progress of our University, and has given some valuable hints to its botanical branch. He goes to do, I hope, much good in his new country; the public instruction there, as I understand, being within the department destined for him. He is not without dissatisfaction, and reasonable dissatisfaction too, with the piracies of Baltimore; but his justice and friendly dispositions will, I am sure, distinguish between the iniquities of a few plunderers, and the sound principles of our country at large, and of our government especially. From many conversations with him, I hope he sees, and will promote in his new situation, the advantages of a cordial fraternization among all the American nations, and the importance of their coalescing in an American system of policy, totally independent of and unconnected with that of Europe. The day is not distant, when we may formally require a meridian of partition through the ocean which separates the two hemispheres, on the hither side of which no European gun shall ever be heard, nor an American on the other; and when, during the rage of the eternal wars of Europe, the lion and the lamb, within our regions, shall lie down together in peace. The excess of population in Europe, and want of room, render war, in their opinion, necessary to keep down that excess of numbers. Here, room is abundant, population scanty, and peace the necessary means for producing men, to whom the redundant soil is offering the means of life and happiness. The principles of society there and here, then, are radically different, and I hope no American patriot will

ever lose sight of the essential policy of interdicting in the seas and territories of both Americas, the ferocious and sanguinary contests of Europe. I wish to see this coalition begun. I am earnest for an agreement with the maritime powers of Europe, assigning them the task of keeping down the piracies of their seas and the cannibalisms of the African coasts, and to us, the suppression of the same enormities within our seas; and for this purpose, I should rejoice to see the fleets of Brazil and the United States riding together as brethren of the same family, and pursuing the same object. And indeed it would be of happy augury to begin at once this concert of action here, on the invitation of either to the other government, while the way might be preparing for withdrawing our cruisers from Europe, and preventing naval collisions there which daily endanger our peace.

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Accept assurances of the sincerity of my friendship and respect for you.

TO DOCTOR COOPER.

MONTICELLO, August 14, 1820.

DEAR SIR,—Yours of the 24th ult. was received in due time, and I shall rejoice indeed if Mr. Elliot and Mr. Nulty are joined to you in the institution at Columbia, which now becomes of immediate interest to me. Mr. Stack has given notice to his first class that he shall dismiss them on the 10th of the next month, and his mathematical assistant also at the same time, being determined to take only small boys in future. My grandson, Eppes, is of the first class; and I have proposed to his father to send him to Columbia, rather than anywhere northwardly. I am obliged, therefore, to ask of you by what day he ought to be there, so as to be at the commencement of what they call a session, and to be so good as to do this by the first mail, as I shall set out to Bedford within about a fortnight. He is so far advanced in Greek and Latin that he will be able to pursue them by himself hereafter; and being between eighteen and nineteen

years of age he has no time to lose. I propose that he shall commence immediately with the mathematics and natural philosophy, to be followed by astronomy, chemistry, mineralogy, botany, natural history. It would be time lost for him to attend professors of ethics, metaphysics, logic, &c. The first of these may be as well acquired in the closet as from living lectures; and supposing the two last to mean the science of *mind*, the simple reading of Locke, Tracy, and Stewart, will give him as much in that branch as is *real* science. A relation of his (Mr. Baker) and classmate will go with him.

I hope and believe you are mistaken in supposing the reign of fanaticism to be on the advance. I think it certainly declining. It was first excited artificially by the sovereigns of Europe as an engine of opposition to Bonaparte and to France. It rose to a great height there, and became indeed a powerful engine of loyalism, and of support to their governments. But that loyalism is giving way to very different dispositions, and its prompter fanaticism, is vanishing with it. In the meantime it had been wafted across the Atlantic, and chiefly from England, with their other fashions, but it is here also on the wane. The ambitious sect of Presbyterians indeed, the Loyalists of our country, spare no pains to keep it up. But their views of ascendency over all other sects in the United States seem to excite alarm in all, and to unite them as against a common and threatening enemy. And although the Unitarianism they impute to you is heterodoxy with all of them, I suspect the other sects will admit it to their alliance in order to strengthen the phalanx of opposition against the enterprises of their more aspiring antagonists. Although spiritualism is most prevalent with all these sects, yet with none of them, I presume, is materialism declared heretical. Mr. Locke, on whose authority they often plume themselves, openly maintained the materialism of the soul; and charged with blasphemy those who denied that it was in the power of an Almighty Creator to endow with the faculty of thought any composition of matter he might think fit. The fathers of the church of the three first centuries generally, if not universally, were material-

ists, extending it even to the Creator himself; nor indeed do I know exactly * in what age of the christian church the heresy of spiritualism was introduced. Huet, in his commentaries on Origen,† says, "Deus igitur, cui anima similis est, juxta Origenem, reapse corporalis est, sed graviorum tantum ratione corporum incorporeus."‡ St. Macari,§ as speaking of angels says, "quam vis enim subtilia sint, tamen in substantia, forma, et figura, secundum tenuitatem naturæ eorum corpora sunt tenuia, quemadmodum et hoc corpus in substantia sua crassum et solidum est."‖ St. Justin martyr says expressly "το θειον φαμεν ειναι ασωματον, ουκ δε εστιν ασωματον."

Tertullian's words are, "quid euim Deus nisi corpus?" and again, "quis autem negabit Deum esse corpus? et si deus spiritus, spiritus etiam corpus est sui generis, in suâ effigie," and that the soul is matter he adduces the following tangible proof: "in ipso ultimo voluptatis aestu, quo genitale virus expellitur, nonne aliquid de animâ sentimus exire?"¶ The holy father thus asserting, and, as it would seem, from his own feelings, that the sperm infused into the female matrix deposits there the matter and germ of both soul and body, conjunctim, of the new fœtus. Although I do not pretend to be familiar with these fathers, and give the preceding quotations at second hand, yet I learn from authors whom I respect, that not only those I have named, but St. Augustin,** St. Basil, Lactantius, Tatian, Athenagoras, and others, concurred in the materiality of the soul. Our modern doctors would hardly venture or wish to condemn their fathers as heretics, the main pillars of their fabric resting on their shoulders.

In the consultations of the visitors of the university on the subject of releasing you from your engagement with us, although one or two members seemed alarmed at this cry of "fire" from the Presbyterian pulpits, yet the real ground of our decision was that our funds were in fact hypotheticated for five or six years to redeem the loan we had reluctantly made; and although we

* I believe by Athenasius and the council of Nicea.

† Ocellus de d'Argens, p. 97. ‡ Enfield, vi. 3. § Ib. 105.

‖ Timæus, 17. Enfield, vi. 3. ¶ Hist. des Saints, 2 c. 4 p. 212, 215.

** Ocellus, 90.

hoped and trusted that the ensuing legislature would remit the debt and liberate our funds, yet it was not just, on this possibility, to stand in the way of your looking out for a more certain provision. The completing all our buildings for professors and students by the autumn of the ensuing year, is now secured by sufficient contracts, and our confidence is most strong that neither the State nor their legislature will bear to see those buildings shut up for five or six years, when they have the money in hand, and actually appropriated to the object of education, which would open their doors at once for the reception of their sons, now waiting and calling aloud for that institution. The legislature meets on the 1st Monday of December, and before Christmas we shall know what are their intentions. If such as we expect, we shall then immediately take measures to engage our professors and bring them into place the ensuing autumn or early winter. My hope is that you will be able and willing to keep yourself uncommitted, to take your place among them about that time; and I can assure you there is not a voice among us which will not be cordially given for it. I think, too, I may add, that if the Presbyterian opposition should not die by that time, it will be directed at once against the whole institution, and not amuse itself with nibbling at a single object. It did that only because there was no other, and they might think it politic to mask their designs on the body of the fortress, under the ——— of a battery against a single bastion. I will not despair then of the avail of your services in an establishment which I contemplate as the future bulwark of the human mind in this hemisphere. God bless you and preserve you *multos annos*.

TO JOHN ADAMS.

MONTICELLO, August 15, 1820.

I am a great defaulter, my dear Sir, in our correspondence, but prostrate health rarely permits me to write; and when it does, matters of business imperiously press their claims. I am

getting better however, slowly, swelled legs being now the only serious symptom, and these, I believe, proceed from extreme debility. I can walk but little; but I ride six or eight miles a day without fatigue; and within a few days, I shall endeavor to visit my other home, after a twelvemonth's absence from it. Our University, four miles distant, gives me frequent exercise, and the oftener, as I direct its architecture. Its plan is unique, and it is becoming an object of curiosity for the traveller. I have lately had an opportunity of reading a critique on this institution in your North American Review of January last, having been not without anxiety to see what that able work would say of us; and I was relieved on finding in it much coincidence of opinion, and even where criticisms were indulged, I found they would have been obviated had the developments of our plan been fuller. But these were restrained by the character of the paper reviewed, being merely a report of outlines, not a detailed treatise, and addressed to a legislative body, not to a learned academy. For example, as an inducement to introduce the Anglo-Saxon into our plan, it was said that it would reward amply the *few weeks* of attention which alone would be requisite for its attainment; leaving both term and degree under an indefinite expression, because I know that not much time is necessary to attain it to an useful degree, sufficient to give such instruction in the etymologies of our language as may satisfy ordinary students, while more time would be requisite for those who should propose to attain a critical knowledge of it. In a letter which I had occasion to write to Mr. Crofts, who sent you, I believe, as well as myself, a copy of his treatise on the English and German languages, as preliminary to an etymological dictionary he meditated, I went into explanations with him of an easy process for simplifying the study of the Anglo-Saxon, and lessening the terrors and difficulties presented by its rude alphabet, and unformed orthography. But this is a subject beyond the bounds of a letter, as it was beyond the bounds of a report to the legislature. Mr. Crofts died, I believe, before any progress was made in the work he had projected.

The reviewer expresses doubt, rather than decision, on our placing military and naval architecture in the department of pure mathematics. Military architecture embraces fortification and fieldworks, which, with their bastions, curtains, hornworks, redoubts, &c., are based on a technical combination of lines and angles. These are adapted to offence and defence, with and against the effects of bombs, balls, escalades, &c. But lines and angles make the sum of elementary geometry, a branch of pure mathematics; and the direction of the bombs, balls, and other projectiles, the necessary appendages of military works, although no part of their architecture, belong to the conic sections, a branch of transcendental geometry. Diderot and D'Alembert, therefore, in their *Arbor scientiæ*, have placed military architecture in the department of elementary geometry. Naval architecture teaches the best form and construction of vessels; for which best form it has recourse to the question of the solid of least resistance; a problem of transcendental geometry. And its appurtenant projectiles belong to the same branch, as in the preceding case. It is true, that so far as respects the action of the water on the rudder and oars, and of the wind on the sails, it may be placed in the department of mechanics, as Diderot and D'Alembert have done; but belonging quite as much to geometry, and allied in its military character to military architecture, it simplified our plan to place both under the same head. These views are so obvious, that I am sure they would have required but a second thought, to reconcile the reviewer to their *location* under the head of pure mathematics. For this word *location*, see Bailey, Johnson, Sheridan, Walker, &c. But if dictionaries are to be the arbiters of language, in which of them shall we find *neologism*. No matter. It is a good word, well sounding, obvious, and expresses an idea, which would otherwise require circumlocution. The reviewer was justifiable, therefore, in using it; although he noted at the same time, as unauthoritative, *centrality*, *grade*, *sparse*; all which have been long used in common speech and writing. I am a friend to *neology*. It is the only way to give to a language copiousness and euphony. Without

it we should still be held to the vocabulary of Alfred or of Ulphilas; and held to their state of science also: for I am sure they had no words which could have conveyed the ideas of oxygen, cotyledons, zoophytes, magnetism, electricity, hyaline, and thousands of others expressing ideas not then existing, nor of possible communication in the state of their language. What a language has the French become since the date of their revolution, by the free introduction of new words! The most copious and eloquent in the living world; and equal to the Greek, had not that been regularly modifiable almost *ad infinitum*. Their rule was, that whenever their language furnished or adopted a root, all its branches, in every part of speech, were legitimated by giving them their appropriate terminations. Ἀδελφος, ἀδελφη, ἀδελφικος, ἀδελφοτης, ἀδελφιξις, ἀδελφιδης, ἀδελφικος, ἀδελφιζω, ἀδελφικως. And this should be the law of every language. Thus, having adopted the adjective *fraternal*, it is a root which should legitimate *fraternity*, *fraternation*, *fraternisation*, *fraternism*, *to fraternate*, *fraternise*, *fraternally*. And give the word *neologism* to our language, as a root, and it should give us its fellow substantives, *neology*, *neologist*, *neologisation*; its adjectives, *neologous*, *neological*, *neologistical*; its verb, *neologise*; and adverb, *neologically*. Dictionaries are but the depositories of words already legitimated by usage. Society is the workshop in which new ones are elaborated. When an individual uses a new word, if ill formed, it is rejected in society; if well formed, adopted, and after due time, laid up in the depository of dictionaries. And if, in this process of sound neologisation, our trans-Atlantic brethren shall not choose to accompany us, we may furnish, after the Ionians, a second example of a colonial dialect improving on its primitive.

But enough of criticism: let me turn to your puzzling letter of May the 12th, on matter, spirit, motion, &c. Its crowd of scepticisms kept me from sleep. I read it, and laid it down; read it, and laid it down, again and again; and to give rest to my mind, I was obliged to recur ultimately to my habitual anodyne, "I feel, therefore I exist." I feel bodies which are not myself: there are other existences then. I call them *matter*. I feel them chang-

ing place. This gives me *motion*. Where there is an absence of matter, I call it *void*, or *nothing*, or *immaterial space*. On the basis of sensation, of matter and motion, we may erect the fabric of all the certainties we can have or need. I can conceive *thought* to be an action of a particular organization of matter, formed for that purpose by its creator, as well as that *attraction* is an action of matter, or *magnetism* of loadstone. When he who denies to the Creator the power of endowing matter with the mode of action called *thinking*, shall show how he could endow the sun with the mode of action called *attraction*, which reins the planets in the track of their orbits, or how an absence of matter can have a will, and by that will put matter into motion, then the Materialist may be lawfully required to explain the process by which matter exercises the faculty of thinking. When once we quit the basis of sensation, all is in the wind. To talk of *immaterial* existences, is to talk of *nothings*. To say that the human soul, angels, God, are immaterial, is to say, they are *nothings*, or that there is no God, no angels, no soul. I cannot reason otherwise: but I believe I am supported in my creed of materialism by the Lockes, the Tracys, and the Stewarts. At what age* of the Christian church this heresy of *immaterialism*, or masked atheism, crept in, I do not exactly know. But a heresy it certainly is. Jesus taught nothing of it. He told us, indeed, that "God is a spirit," but he has not defined what a spirit is, nor said that it is not *matter*. And the ancient fathers generally, of the three first centuries, held it to be matter, light and thin indeed, an etherial gas; but still matter. Origen says, "Deus se ipse corporalis est; sed graviorum tantum corporum ratione, incorporeus." Tertullian, "quid enim deus nisi corpus?" And again, "quis negabit deum esse corpus? Etsi deus spiritus, spiritus etiam corpus est, sui generis in sua effigie." St. Justin Martyr, "[illegible] θειον φαμεν ειναι ασωματον· ουκ 'οτι ασωματον'—επειδη δε τιμιη κρατεισθαι υπο τινος των κρινεσθαι τιμιωτερον εστι διο τουτο καλουμεν αυτον ασωματον." And St. Macarius, speaking of angels, says, "quamvis enim subtilia sint, tamen in substantia, forma et figurâ, secundum tenui-

* That of Athanasius and the Council of Nicæa, anno. 324.

tatem naturæ eorum, corpora sunt tenuia." And St. Austin, St. Basil, Lactantius, Tatian, Athenagoras and others, with whose writings I pretend not a familiarity, are said by those who are better acquainted with them, to deliver the same doctrine. (Enfield x. 3, 1.) Turn to your Ocellus d'Argens, 97, 105, and to his Timæus 17, for these quotations. In England, these Immaterialists might have been burnt until the 29 Car. 2, when the writ *de hæretico comburendo* was abolished; and here until the Revolution, that statute not having extended to us. All heresies being now done away with us, these schismatists are merely atheists, differing from the material atheist only in their belief, that "nothing made something," and from the material deist, who believes that matter alone can operate on matter.

Rejecting all organs of information, therefore, but my senses, I rid myself of the pyrrhonisms with which an indulgence in speculations hyperphysical and antiphysical, so uselessly occupy and disquiet the mind. A single sense may indeed be sometimes deceived, but rarely; and never all our senses together, with their faculty of reasoning. They evidence realities, and there are enough of these for all the purposes of life, without plunging into the fathomless abyss of dreams and phantasms. I am satisfied, and sufficiently occupied with the things which are, without tormenting or troubling myself about those which may indeed be, but of which I have no evidence. I am sure that I really know many, many things, and none more surely than that I love you with all my heart, and pray for the continuance of your life until you shall be tired of it yourself.

TO MR. JARVIS.

MONTICELLO, September 28, 1820.

I thank you, Sir, for the copy of your Republican which you have been so kind as to send me, and I should have acknowledged it sooner but that I am just returned home after a long absence. I have not yet had time to read it seriously, but in

looking over it cursorily I see much in it to approve, and shall be glad if it shall lead our youth to the practice of thinking on such subjects and for themselves. That it will have this tendency may be expected, and for that reason I feel an urgency to note what I deem an error in it, the more requiring notice as your opinion is strengthened by that of many others. You seem, in pages 84 and 148, to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is "*boni judicis est ampliare jurisdictionem,*" and their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves. If the legislature fails to pass laws for a census, for paying the judges and other officers of government, for establishing a militia, for naturalization as prescribed by the constitution, or if they fail to meet in congress, the judges cannot issue their mandamus to them; if the President fails to supply the place of a judge, to appoint other civil or military officers, to issue requisite commissions, the judges cannot force him. They can issue their mandamus or distringas to no executive or legislative officer to enforce the fulfilment of their official duties, any more than the president or legislature may issue orders to the judges or their officers. Betrayed by English example, and unaware, as it should seem, of the control of our constitution in this particular, they have at times overstepped their limit by undertaking to command executive officers in the discharge of their executive duties; but the constitution, in keeping three departments distinct and independent, restrains the authority of the judges to judiciary organs, as it does the executive and legislative to executive and legisla-

tive organs. The judges certainly have more frequent occasion to act on constitutional questions, because the laws of *meum* and *tuum* and of criminal action, forming the great mass of the system of law, constitute their particular department. When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power. Pardon me, Sir, for this difference of opinion. My personal interest in such questions is entirely extinct, but not my wishes for the longest possible continuance of our government on its pure principles; if the three powers maintain their mutual independence on each other it may last long, but not so if either can assume the authorities of the other. I ask your candid re-consideration of this subject, and am sufficiently sure you will form a candid conclusion. Accept the assurance of my great respect.

TO MR PINCKNEY.

MONTICELLO, September 30, 1820.

DEAR SIR,—An absence of some time from home has occasioned me to be thus late in acknowledging the receipt of your favor of the 6th, and I see in it with pleasure evidences of your continued health and application to business. It is now, I believe, about twenty years since I had the pleasure of seeing you, and we are apt, in such cases, to lose sight of time, and to conceive that our friends remain stationary at the same point of health and vigor as when we last saw them. So I perceive by your letter you think with respect to myself, but twenty years added to fifty-seven make quite a different man. To threescore and seventeen add two years of prostrate health, and you have the old,

infirm, and nerveless body I now am, unable to write but with pain, and unwilling to think without necessity. In this state I leave the world and its affairs to the young and energetic, and resign myself to their care, of whom I have endeavored to take care when young. I read but one newspaper and that of my own State, and more for its advertisements than its news. I have not read a speech in Congress for some years. I have heard, indeed, of the questions of the tariff and Missouri, and formed *primâ facie* opinions on them, but without investigation. As to the tariff, I should say put down all banks, admit none but a *metallic circulation*, that will take its proper level with the like circulation in other countries, and then our manufacturers may work in fair competition with those of other countries, and the import duties which the government may lay for the purposes of revenue will so far place them above equal competition. The Missouri question is a mere party trick. The leaders of federalism, defeated in their schemes of obtaining power by rallying partisans to the principle of monarchism, a principle of personal not of local division, have changed their tack, and thrown out another barrel to the whale. They are taking advantage of the virtuous feelings of the people to effect a division of parties by a geographical line; they expect that this will ensure them, on local principles, the majority they could never obtain on principles of federalism; but they are still putting their shoulder to the wrong wheel; they are wasting Jeremiads on the miseries of slavery, as if we were advocates for it. Sincerity in their declamations should direct their efforts to the true point of difficulty, and unite their counsels with ours in devising some reasonable and practicable plan of getting rid of it. Some of these leaders, if they could attain the power, their ambition would rather use it to keep the Union together, but others have ever had in view its separation. If they push it to that, they will find the line of separation very different from their 36° of latitude, and as manufacturing and navigating States, they will have quarrelled with their bread and butter, and I fear not that after a little trial they will think better of it, and return to the embraces of their nat-

ural and best friends. But this scheme of party I leave to those who are to live under its consequences. We who have gone before have performed an honest duty, by putting in the power of our successors a state of happiness which no nation ever before had within their choice. If that choice is to throw it away, the dead will have neither the power nor the right to control them. I must hope, nevertheless, that the mass of our honest and well-meaning brethren of the other States, will discover the use which designing leaders are making of their best feelings, and will see the precipice to which they are lead, before they take the fatal leap. God grant it, and to you health and happiness.

TO RICHARD RUSH, ESQ.

MONTICELLO, October 20, 1820.

DEAR SIR,—In your favor of May 3d, which I have now to acknowldge, you so kindly proffered your attentions to any little matters I might have on that side of the water, that I take the liberty of availing myself of this proof of your goodness so far as to request you to put the enclosed catalogue in the hands of some *honest* bookseller of London, who will procure and forward the books to me, with care and good faith. They should be packed in a cheap trunk, and not put on ship-board until April, as they would be liable to damage on a winter passage. I ask an *honest* correspondent in that line, because, when we begin to import for the library of our Universary, we shall need one worthy of entire confidence.

I send this letter open to my correspondent in Richmond, Captain Bernard Peyton, with a request that he will put into it a bill of exchange on London of £40 sterling, which of course, therefore, I cannot describe to you by naming drawer and drawee. He will also forward, by other conveyance, the duplicate and triplicate as usual. This sum would more than cover the cost of the books written for, according to their prices stated in printed catalogues; but as books have risen with other things in price.

I have enlarged the printed amount by about 15 per cent. to cover any rise. Still, should it be insufficient, the bookseller is requested to dock the catalogue to the amount of the remittance.

I have no news to give you; for I have none but from the newspapers, and believiug little of that myself, it would be an unworthy present to my friends. But the important news lies now on your side of the Atlantic. England, in throes from a trifle, as it would seem, but that trifle the symptom of an irremediable disease proceeding from a long course of exhaustion by efforts and burthens beyond her natural strength; France agonizing between royalists and constitutionalists; the other States of Europe pressing on to revolution and the rights of man, and the colossal powers of Russia and Austria marshalled against them. These are more than specks of hurricane in the horizon of the world. You, who are young, may live to see its issue; the beginning only is for my time. Nor is our side of the water entirely untroubled, the boisterous sea of liberty is never without a wave. A hideous evil, the magnitude of which is seen, and at a distance only, by the one party, and more sorely felt and sincerely deplored by the other, from the difficulty of the cure, divides us at this moment too angrily. The attempt by one party to prohibit willing States from sharing the evil, is thought by the other to render desperate, by accumulation, the hope of its final eradication. If a little time, however, is given to both parties to cool, and to dispel their visionary fears, they will see that concurring in sentiment as to the evil, moral and political, the duty and interest of both is to concur also in divining a practicable process of cure. Should time not be given, and the schism be pushed to separation, it will be for a short term only; two or three years trial will bring them back, like quarrelling lovers to renewed embraces, and increased affections. The experiment of separation would soon prove to both that they had mutually miscalculated their best interests. And even were the parties in Congress to secede in a passion, the soberer people would call a convention and cement again the severance attempted by the insanity of their functionaries. With

this consoling view, my greatest grief would be for the fatal effect of such an event on the hopes and happiness of the world. We exist, and are quoted, as standing proofs that a government, so modelled as to rest continually on the will of the whole society, is a practicable government. Were we to break to pieces, it would damp the hopes and the efforts of the good, and give triumph to those of the bad through the whole enslaved world. As members, therefore, of the universal society of mankind, and standing in high and responsible relation with them, it is our sacred duty to suppress passion among ourselves, and not to blast the confidence we have inspired of proof that a government of reason is better than one of force. This letter is not of facts but of opinions, as you will observe; and although the converse is generally the most acceptable, I do not know that, in your situation, the opinions of your countrymen may not be as desirable to be known to you as facts. They constitute, indeed, moral facts, as important as physical ones to the attention of the public functionary. Wishing you a long career to the services you may render your country, and that it may be a career of happiness and prosperity to yourself, I salute you with affectionate attachment and respect.

TO MR. CORREA.

MONTICELLO, October 24. 1820.

Your kind letter, dear Sir, of October 12th, was handed to me by Dr. Cooper, and was the first correction of an erroneous belief that you had long since left our shores. Such had been Colonel Randolph's opinion, and his had governed mine. I received your adieu with feelings of sincere regret at the loss we were to sustain, and particularly of those friendly visits by which you had made me so happy. I shall feel, too, the want of your counsel and approbation in what we are doing and have yet to do in our University, the last of my mortal cares, and the last service I can render my country. But turning from myself, throwing egotism behind me, and looking to your happiness, it

is a duty and consolation of friendship to consider that that may be promoted by your return to your own country. There I hope you will receive the honors and rewards you merit, and which may make the rest of your life easy and happy; there too you will render precious services by promoting the science of your country, and blessing its future generations with the advantages that bestows. Nor even there shall we lose all the benefits of your friendship; for this motive, as well as the love of your own country, will be an incitement to promote that intimate harmony between our two nations which is so much the interest of both. Nothing is so important as that America shall separate herself from the systems of Europe, and establish one of her own. Our circumstances, our pursuits, our interests, are distinct, the principles of our policy should be so also. All entanglements with that quarter of the globe should be avoided if we mean that peace and justice shall be the polar stars of the American societies. I had written a letter to a friend while you were here, in a part of which these sentiments were expressed, and I had made an extract from it to put into your hands, as containing my creed on that subject. You had left us, however, in the morning earlier than I had been aware; still I enclose it to you, because it would be a leading principle with me, had I longer to live. During six and thirty years that I have been in situations to attend to the conduct and characters of foreign nations, I have found the government of Portugal the most just, inoffensive and unambitious of any one with which we had concern, without a single exception. I am sure that this is the character of ours also. Two such nations can never wish to quarrel with each other. Subordinate officers may be negligent, may have their passions and partialities, and be criminally remiss in preventing the enterprises of the lawless banditti who are to be found in every seaport of every country. The late piratical depredations which your commerce has suffered as well as ours, and that of other nations, seem to have been committed by renegado rovers of several nations, French, English, American, which they as well as we have not been careful enough to suppress. I hope our Con-

gress now about to meet will strengthen the measures of suppression. Of their disposition to do it there can be no doubt; for all men of moral principle must be shocked at these atrocities. I had repeated conversations on this subject with the President while at his seat in this neighborhood. No man can abhor these enormities more deeply. I trust it will not have been in the power of abandoned rovers, nor yet of negligent functionaries, to disturb the harmony of two nations so much disposed to mutual friendship, and interested in it. To this, my dear friend, you can be mainly instrumental, and I know your patriotism and philanthropy too well to doubt your best efforts to cement us. In these I pray for your success, and that heaven may long preserve you in health and prosperity to do all the good to mankind to which your enlightened and benevolent mind disposes you. Of the continuance of my affectionate friendship, with that of my life, and of its fervent wishes for your happiness, accept my sincere assurance.

TO THE REVEREND JARED SPARKS.

MONTICELLO, November 4, 1820.

SIR,—Your favor of September 18th is just received, with the book accompanying it. Its delay was owing to that of the box of books from Mr. Guegan, in which it was packed. Being just setting out on a journey I have time only to look over the summary of contents. In this I see nothing in which I am likely to differ materially from you. I hold the precepts of Jesus, as delivered by himself, to be the most pure, benevolent, and sublime which have ever been preached to man. I adhere to the principles of the first age; and consider all subsequent innovations as corruptions of his religion, having no foundation in what came from him. The metaphysical insanities of Athanasius, of Loyola, and of Calvin, are, to my understanding, mere relapses into polytheism, differing from paganism only by being more unintelligible. The religion of Jesus is founded in the

Unity of God, and this principle chiefly, gave it triumph over the rabble of heathen gods then acknowledged. Thinking men of all nations rallied readily to the doctrine of one only God, and embraced it with the pure morals which Jesus inculcated. If the freedom of religion, guaranteed to us by law *in theory*, can ever rise *in practice* under the overbearing inquisition of public opinion, truth will prevail over fanaticism, and the genuine doctrines of Jesus, so long perverted by his pseudo-priests, will again be restored to their original purity. This reformation will advance with the other improvements of the human mind, but too late for me to witness it. Accept my thanks for your book, in which I shall read with pleasure your developments of the subject, and with them the assurance of my high respect.

TO JOSEPH C. CABELL.

POPLAR FOREST, November 28, 1820.

DEAR SIR,—I sent in due time the Report of the Visitors to the Governor, with a request that he would endeavor to convene the Literary Board in time to lay it before the legislature on the second day of their session. It was enclosed in a letter which will explain itself to you. If delivered before the crowd of other business presses on them, they may act on it immediately, and before there will have been time for unfriendly combinations and maneuvres by the enemies of the institution. I enclose you now a paper presenting some views which may be useful to you in conversations, to rebut exaggerated estimates of what our institution is to cost, and reproaches of deceptive estimates. One hundred and sixty-two thousand three hundred and sixty-four dollars will be about the cost of the whole establishment, when completed. Not an office at Washington has cost less. The single building of the court house of Henrico has cost nearly that; and the massive walls of the millions of bricks of William and Mary could not now be built for a less sum.

Surely Governor Clinton's display of the gigantic efforts of

New York towards the education of her citizens, will stimulate the pride as well as the patriotism of our legislature, to look to the reputation and safety of their own country, to rescue it from the degradation of becoming the Barbary of the Union, and of falling into the ranks of our own negroes. To that condition it is fast sinking. We shall be in the hands of the other States, what our indigenous predecessors were when invaded by the science and arts of Europe. The mass of education in Virginia, before the Revolution, placed her with the foremost of her sister colonies. What is her education now? Where is it? The little we have we import, like beggars, from other States; or import their beggars to bestow on us their miserable crumbs. And what is wanting to restore us to our station among our confederates? Not more money from the people. Enough has been raised by them, and appropriated to this very object. It is that it should be employed understandingly, and for their greatest good. That good requires, that while they are instructed in general, competently to the common business of life, others should employ their genius with necessary information to the useful arts, to inventions for saving labor and increasing our comforts, to nourishing our health, to civil government, military science, &c.

Would it not have a good effect for the friends of this University to take the lead in proposing and effecting a practical scheme of elementary schools? To assume the character of the friends, rather than the opponents of that object. The present plan has appropriated to the primary schools forty-five thousand dollars for three years, making one hundred and thirty-five thousand dollars. I should be glad to know if this sum has educated one hundred and thirty-five poor children? I doubt it much. And if it has, they have cost us one thousand dollars a piece for what might have been done with thirty dollars. Supposing the literary revenue to be sixty thousand dollars, I think it demonstrable, that this sum, equally divided between the two objects, would amply suffice for both. One hundred counties, divided into about twelve wards each, on an average, and a school in

each ward of perhaps ten children, would be one thousand and two hundred schools, distributed proportionably over the surface of the State. The inhabitants of each ward, meeting together (as when they work on the roads), building good log houses for their school and teacher, and contributing for his provisions, rations of pork, beef, and corn, in the proportion each of his other taxes, would thus lodge and feed him without feeling it; and those of them who are able, paying for the tuition of their own children, would leave no call on the public fund but for the tuition fee of, here and there, an accidental pauper, who would still be fed and lodged with his parents. Suppose this fee ten dollars, and three hundred dollars apportioned to a county on an average,) more or less proportioned,) would there be thirty such paupers for every county? I think not. The truth is, that the want of common education with us is not from our poverty, but from want of an orderly system. More money is now paid for the education of a part, than would be paid for that of the whole, if systematically arranged. Six thousand common schools in New York, fifty pupils in each, three hundred thousand in all; one hundred and sixty thousand dollars annually paid to the masters; forty established academies, with two thousand two hundred and eighteen pupils; and five colleges, with seven hundred and eighteen students; to which last classes of institutions seven hundred and twenty thousand dollars have been given; and the whole appropriations for education estimated at two and a half millions of dollars! What a pigmy to this is Virginia become, with a population almost equal to that of New York! And whence this difference? From the difference their rulers set on the value of knowledge, and the prosperity it produces. But still, if a pigmy, let her do what a pigmy may do. If among fifty children in each of the six thousand schools of New York, there are only paupers enough to employ twenty-five dollars of public money to each school, surely among the ten children of each of our one thousand and two hundred schools, the same sum of twenty-five dollars to each school will teach its paupers, (five times as much as to the same number in New York,) and

will amount for the whole to thirty thousand dollars a year, the one-half only of our literary revenue.

Do then, dear Sir, think of this, and engage our friends to take in hand the whole subject. It will reconcile the friends of the elementary schools, and none are more warmly so than myself, lighten the difficulties of the University, and promote in every order of men the degree of instruction proportioned to their condition, and to their views in life. It will combine with the mass of our force, a wise direction of it, which will insure to our country its future prosperity and safety. I had formerly thought that visitors of the school might be chosen by the county, and charged to provide teachers for every ward, and to superintend them. I now think it would be better for every ward to choose its own resident visitor, whose business it would be to keep a teacher in the ward, to superintend the school, and to call meetings of the ward for all purposes relating to it; their accounts to be settled, and wards laid off by the courts. I think ward elections better for many reasons, one of which is sufficient, that it will keep elementary education out of the hands of fanaticising preachers, who, in county elections, would be universally chosen, and the predominant sect of the county would possess itself of all its schools.

A wrist stiffened by an ancient accident, now more so by the effect of age, renders writing a slow and irksome operation with me. I cannot, therefore, present these views, by separate letters to each of our colleagues in the legislature, but must pray you to communicate them to Mr. Johnson and General Breckenridge, and to request them to consider this as equally meant for them. Mr. Gordon being the local representative of the University, and among its most zealous friends, would be a more useful second to General Breckenridge in the House of Delegates, by a free communication of what concerns the University, with which he has had little opportunity of becoming acquainted. So, also, would it be to Mr. Rives, who would be a friendly advocate.

Accept the assurances of my constant and affectionate esteem and respect.

TO MR. MADISON.

POPLAR FOREST, November 29, 1820.

DEAR SIR,—The enclosed letter from our ancient friend Tenche Coxe, came unfortunately to Monticello after I had left it, and has had a dilatory passage to this place, where I received it yesterday, and obey its injunction of immediate transmission to you. We should have recognized the style even without a signature, and although so written as to be much of it indecipherable. This is a sample of the effects we may expect from the late mischievous law vacating every four years nearly all the executive officers of the government. It saps the constitutional and salutary functions of the President, and introduces a principle of intrigue and corruption, which will soon leaven the mass, not only of Senators, but of citizens. It is more baneful than the attempt which failed in the beginning of the government, to make all officers irremovable but with the consent of the Senate. This places, every four years, all appointments under their power, and even obliges them to act on every one nomination. It will keep in constant excitement all the hungry cormorants for office, render them, as well as those in place, sycophants to their Senators, engage these in eternal intrigue to turn out one and put in another, in cabals to swap work; and make of them what all executive directories become, mere sinks of corruption and faction. This must have been one of the midnight signatures of the President, when he had not time to consider, or even to read the law; and the more fatal as being irrepealable but with the consent of the Senate, which will never be obtained.

F. Gilmer has communicated to me Mr. Correa's letter to him of adieux to his friends here, among whom he names most affectionately Mrs. Madison and yourself. No foreigner, I believe, has ever carried with him more friendly regrets. He was to sail the next day (November 10) in the British packet for England, and thence take his passage in January for Brazil. His present views are of course liable to be affected by the events of Portugal, and

the possible effects of their example on Brazil. I expect to return to Monticello about the middle of the ensuing month, and salute you with constant affection and respect.

TO THOMAS RITCHIE.

MONTICELLO, December 25. 1820.

DEAR SIR,—On my return home after a long absence, I find here your favor of November the 23d, with Colonel Taylor's "Construction Construed," which you have been so kind as to send me, in the name of the author as well as yourself. Permit me, if you please, to use the same channel for conveying to him the thanks I render you also for this mark of attention. I shall read it, I know, with edification, as I did his Inquiry, to which I acknowledge myself indebted for many valuable ideas, and for the correction of some errors of early opinion, never seen in a correct light until presented to me in that work. That the present volume is equally orthodox, I know before reading it, because I know that Colonel Taylor and myself have rarely, if ever, differed in any political principle of importance. Every act of his life, and every word he ever wrote, satisfies me of this. So, also, as to the two Presidents, late and now in office, I know them both to be of principles as truly republican as any men living If there be anything amiss, therefore, in the present state of our affairs, as the formidable deficit lately unfolded to us indicates I ascribe it to the inattention of Congress to their duties, to their unwise dissipation and waste of the public contributions. They seemed, some little while ago, to be at a loss for objects whereon to throw away the supposed fathomless funds of the treasury. I had feared the result, because I saw among them some of my old fellow laborers, of tried and known principles, yet often in their minorities. I am aware that in one of their most ruinous vagaries, the people were themselves betrayed into the same phrenzy with their Representatives. The deficit produced, and a heavy tax to supply it, will, I trust, bring both to their sober senses.

But it is not from this branch of government we have most to fear. Taxes and short elections will keep them right. The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, "*boni judicis est ampliare jurisdictionem.*" We shall see if they are bold enough to take the daring stride their five lawyers have lately taken. If they do, then, with the editor of our book, in his address to the public, I will say, that "against this every man should raise his voice," and more, should uplift his arm. Who wrote this admirable address? Sound, luminous, strong, not a word too much, nor one which can be changed but for the worse. That pen should go on, lay bare these wounds of our constitution, expose the decisions *seriatim*, and arouse, as it is able, the attention of the nation to these bold speculators on its patience. Having found, from experience, that impeachment is an impracticable thing, a mere scare-crow, they consider themselves secure for life; they sculk from responsibility to public opinion, the only remaining hold on them, under a practice first introduced into England by Lord Mansfield. An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning. A judiciary law was once reported by the Attorney General to Congress, requiring each judge to deliver his opinion *seriatim* and openly, and then to give it in writing to the clerk to be entered in the record. A judiciary independent of a king or executive alone, is a good thing; but independence of the will of the nation is a solecism, at least in a republican government.

But to return to your letter; you ask for my opinion of the work you send me, and to let it go out to the public. This I have ever made a point of declining, (one or two instances only

excepted.) Complimentary thanks to writers who have sent me their works, have betrayed me sometimes before the public, without my consent having been asked. But I am far from presuming to direct the reading of my fellow citizens, who are good enough judges themselves of what is worthy their reading. I am, also, too desirous of quiet to place myself in the way of contention. Against this I am admonished by bodily decay, which cannot be unaccompanied by corresponding wane of the mind. Of this I am as yet sensible, sufficiently to be unwilling to trust myself before the public, and when I cease to be so, I hope that my friends will be too careful of me to draw me forth and present me, like a Priam in armor, as a spectacle for public compassion. I hope our political bark will ride through all its dangers; but I can in future be but an inert passenger.

I salute you with sentiments of great friendship and respect.

TO M. DE LA FAYETTE.

MONTICELLO, December 26, 1820.

It is long, indeed, my very dear friend, since I have been able to address a letter to you. For more than two years my health has been so entirely prostrate, that I have, of necessity, intermitted all correspondence. The dislocated wrist, too, which perhaps you may recollect, has now become so stiff from the effects of age, that writing is become a slow and painful operation, and scarcely ever undertaken but under the goad of imperious business. In the meantime your country has been going on less well than I had hoped. But it will go on. The light which has been shed on the mind of man through the civilized world, has given it a new direction, from which no human power can divert it. The sovereigns of Europe who are wise, or have wise counsellors, see this, and bend to the breese which blows; the unwise alone stiffen and meet its inevitable crush. The volcanic rumblings in the bowels of Europe, from north to south, seem to

threaten a general explosion, and the march of armies into Italy cannot end in a simple march. The disease of liberty is catching; those armies will take it in the south, carry it thence to their own country, spread there the infection of revolution and representative government, and raise its people from the prone condition of brutes to the erect altitude of man. Some fear our envelopment in the wars engendering from the unsettled state of our affairs with Spain, and therefore are anxious for a ratification of our treaty with her. I fear no such thing, and hope that if ratified by Spain it will be rejected here. We may justly say to Spain, "when this negotiation commenced, twenty years ago, your authority was acknowledged by those you are selling to us. That authority is now renounced, and their right of self-disposal asserted. In buying them from you, then, we buy but a war-title, a right to subdue them, which you can neither convey nor we acquire. This is a family quarrel in which we have no right to meddle. Settle it between yourselves, and we will then treat with the party whose right is acknowledged." With whom that will be, no doubt can be entertained. And why should we revolt them by purchasing them as cattle, rather than receiving them as fellow-men? Spain has held off until she sees they are lost to her, and now thinks it better to get something than nothing for them. When she shall see South America equally desperate, she will be wise to sell that also.

With us things are going on well. The boisterous sea of liberty indeed is never without a wave, and that from Missouri is now rolling towards us, but we shall ride over it as we have over all others. It is not a moral question, but one merely of power. Its object is to raise a geographical principle for the choice of a president, and the noise will be kept up till that is effected. All know that permitting the slaves of the south to spread into the west will not add one being to that unfortunate condition, that it will increase the happiness of those existing, and by spreading them over a larger surface, will dilute the evil everywhere, and facilitate the means of getting finally rid of it, an event more anxiously wished by those on whom it presses than by the noisy

pretenders to exclusive humanity. In the meantime, it is a ladder for rivals climbing to power.

In a letter to Mr. Porrey, of March 18th, 1819, I informed him of the success of our application to Congress on his behalf. I enclosed this letter to you, but hearing nothing from him, and as you say nothing of it in yours of July 20th, I am not without fear it may have miscarried. In the present I enclose for him the Auditor's certificate, and the letters of General Washington and myself, which he had forwarded to me with a request of their return. Your kindness in delivering this will render unnecessary another letter from me, an effort which necessarily obliges me to spare myself.

If you shall hear from me more seldom than heretofore, ascribe it, my ever dear friend, to the heavy load of seventy-seven years and to waning health, but not to weakened affections; these will continue what they have ever been, and will ever be sincere and warm to the latest breath of yours devotedly.

TO MR. ROSCOE.

MONTICELLO, December 27, 1820.

DEAR SIR,—Your letter received more than a twelvemonth ago, with the two tracts on penal jurisprudence, and the literary institution of Liverpool, ought long since to have called for the thanks I now return, had it been in my power sooner to have tendered them. But a long continuance of ill health has suspended all power of answering the kind attentions with which I have been honored during it; and it is only now that a state of slow and uncertain convalescence enables me to make acknowledgments which have been so long and painfully delayed. The treatise on penal jurisprudence I read with great pleasure. Beccaria had demonstrated general principles, but practical applications were difficult. Our States are trying them with more or less success; and the great light you have thrown on the subject will, I am sure, be useful to our experiment. For the thing, as

yet, is but in experiment. Your Liverpool institution will also aid us in the organization of our new University, an establishment now in progress in this State, and to which my remaining days and faculties will be devoted. When ready for its Professors, we shall apply for them chiefly to your island. Were we content to remain stationary in science, we should take them from among ourselves; but, desirous of advancing, we must seek them in countries already in advance; and identity of language points to our best resource. To furnish inducements, we provide for the Professors separate buildings, in which themselves and their families may be handsomely and comfortably lodged, and to liberal salaries will be added lucrative perquisites. This institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.

We are looking with wonder at what is passing among you. It

> "Resembles ocean into tempest wrought,
> To waft a feather, or to drown a fly."

There must be something in these agitations more than meets the eye of a distant spectator. Your queen must be used in this as a rallying point merely, around which are gathering the discontents of every quarter and character. If these flowed from theories of government only, and if merely from the heads of speculative men, they would admit of parley, of negotiation, of management. But I fear they are the workings of hungry bellies, which nothing but food will fill and quiet. I sincerely wish you safely out of them. Circumstances have nourished between our kindred countries angry dispositions which both ought long since to have banished from their bosoms. I have ever considered a cordial affection as the first interest of both. No nation on earth can hurt us so much as yours, none be more useful to you than ours. The obstacle, we have believed, was in the obstinate and unforgiving temper of your late king, and a con-

tinuance of his prejudices kept up from habit, after he was with drawn from power. I hope I now see symptoms of sounder views in your government; in which I know it will be cordially met by ours, as it would have been by every administration which has existed under our present constitution. None desired it more cordially than myself, whatever different opinions were impressed on your government by a party who wishes to have its weight in their scale as its exclusive friends.

My ancient friend and classmate, James Maury, informs me by letter that he has sent me a bust which I shall receive with great pleasure and thankfulness, and shall arrange in honorable file with those of some cherished characters. Will you permit me to place here my affectionate souvenirs of him, and accept for yourself the assurance of the highest consideration and esteem.

TO FRANCIS EPPES.

MONTICELLO, January 19, 1821.

DEAR FRANCIS,—Your letter of the 1st came safely to hand. I am sorry you have lost Mr. Elliot, however the kindness of Dr. Cooper will be able to keep you in the track of what is worthy of your time.

You ask my opinion of Lord Bolingbroke and Thomas Paine. They were alike in making bitter enemies of the priests and pharisees of their day. Both were honest men; both advocates for human liberty. Paine wrote for a country which permitted him to push his reasoning to whatever length it would go. Lord Bolingbroke in one restrained by a constitution, and by public opinion. He was called indeed a tory; but his writings prove him a stronger advocate for liberty than any of his countrymen, the whigs of the present day. Irritated by his exile, he committed one act unworthy of him, in connecting himself momentarily with a prince rejected by his country. But he redeemed that single act by his establishment of the principles which proved it to be wrong. These two persons differed remarkably in the

style of their writing, each leaving a model of what is most perfect in both extremes of the simple and the sublime. No writer has exceeded Paine in ease and familiarity of style, in perspicuity of expression, happiness of elucidation, and in simple and unassuming language. In this he may be compared with Dr. Franklin; and indeed his Common Sense was, for awhile, believed to have been written by Dr. Franklin, and published under the borrowed name of Paine, who had come over with him from England. Lord Bolingbroke's, on the other hand, is a style of the highest order. The lofty, rythmical, full-flowing eloquence of Cicero. Periods of just measure, their members proportioned, their close full and round. His conceptions, too, are bold and strong, his diction copious, polished and commanding as his subject. His writings are certainly the finest samples in the English language, of the eloquence proper for the Senate. His political tracts are safe reading for the most timid religionist, his philosophical, for those who are not afraid to trust their reason with discussions of right and wrong.

You have asked my opinion of these persons, and, *to you*, I have given it freely. But, remember, that I am old, that I wish not to make new enemies, nor to give offence to those who would consider a difference of opinion as sufficient ground for unfriendly dispositions. God bless you, and make you what I wish you to be.

TO ARCHIBALD THWEAT.

MONTICELLO, January 19, 1821.

DEAR SIR,—I duly received your favor of the 11th, covering Judge Roane's letter, which I now return. Of the kindness of his sentiments expressed towards myself I am highly sensible; and could I believe that my public services had merited the approbation he so indulgently bestows, the satisfaction I should derive from it would be reward enough to his wish that I would take a part in the transactions of the present day. I am sensi-

ble of my incompetence. For first, I know little about them, having long withdrawn my attention from public affairs, and resigned myself with folded arms to the care of those who are to care for us all. And, next, the hand of time pressing heavily on me, in mind as well as body, leaves to neither sufficient energy to engage in public contentions. I am sensible of the inroads daily making by the federal, into the jurisdiction of its co-ordinate associates, the State governments. The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass. Against this I know no one who, equally with Judge Roane himself, possesses the power and the courage to make resistance; and to him I look, and have long looked, as our strongest bulwark. If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves, and meet the invader foot to foot. This is already half done by Colonel Taylor's book; because a conviction that we are right accomplishes half the difficulty of correcting wrong. This book is the most effectual retraction of our government to its original principles which has ever yet been sent by heaven to our aid. Every State in the Union should give a copy to every member they elect, as a standing instruction, and ours should set the example. Accept with Mrs. Thweat the assurance of my affectionate and respectful attachment.

TO JOHN ADAMS.

MONTICELLO, January 22, 1821.

I was quite rejoiced, dear Sir, to see that you had health and spirits enough to take part in the late convention of your State, for revising its constitution, and to bear your share in its debates and labors. The amendments of which we have as yet heard, prove the advance of liberalism in the intervening period; and

encourage a hope that the human mind will some day get back to the freedom it enjoyed two thousand years ago. This country, which has given to the world the example of physical liberty, owes to it that of moral emancipation also, for as yet it is but nominal with us. The inquisition of public opinion overwhelms in practice, the freedom asserted by the laws in theory.

Our anxieties in this quarter are all concentrated in the question, what does the Holy Alliance in and out of Congress mean to do with us on the Missouri question? And this, by-the-bye, is but the name of the case, it is only the John Doe or Richard Roe of the ejectment. The real question, as seen in the States afflicted with this unfortunate population, is, are our slaves to be presented with freedom and a dagger? For if Congress has the power to regulate the conditions of the inhabitants of the States, within the States, it will be but another exercise of that power, to declare that all shall be free. Are we then to see again Athenian and Lacedemonian confederacies? To wage another Peloponnesian war to settle the ascendency between them? Or is this the tocsin of merely a servile war? That remains to be seen; but not, I hope, by you or me. Surely, they will parley awhile, and give us time to get out of the way. What a Bedlamite is man? But let us turn from our own uneasiness to the miseries of our southern friends. Bolivar and Morillo, it seems, have come to the parley, with dispositions at length to stop the useless effusion of human blood in that quarter. I feared from the beginning, that these people were not yet sufficiently enlightened for self-government; and that after wading through blood and slaughter, they would end in military tyrannies, more or less numerous. Yet as they wished to try the experiment, I wished them success in it; they have now tried it, and will possibly find that their safest road will be an accommodation with the mother country, which shall hold them together by the single link of the same chief magistrate, leaving to him power enough to keep them in peace with one another, and to themselves the essential power of self-government and self-improvement, until they shall be sufficiently trained by education and habits of freedom, to

walk safely by themselves. Representative government, native functionaries, a qualified negative on their laws, with a previous security by compact for freedom of commerce, freedom of the press, *habeas corpus* and trial by jury, would make a good beginning. This last would be the school in which their people might begin to learn the exercise of civic duties as well as rights. For freedom of religion they are not yet prepared. The scales of bigotry have not sufficiently fallen from their eyes, to accept it for themselves individually, much less to trust others with it. But that will come in time, as well as a general ripeness to break entirely from the parent stem. You see, my dear Sir, how easily we prescribe for others a cure for their difficulties, while we cannot cure our own. We must leave both, I believe, to heaven, and wrap ourselves up in the mantle of resignation, and of that friendship of which I tender to you the most sincere assurances.

TO JOSEPH C. CABELL.

MONTICELLO, January 31, 1821.

DEAR SIR,—Your favors of the 18th and 25th came together, three days ago. They fill me with gloom as to the dispositions of our legislature towards the University. I perceive that I am not to live to see it opened. As to what had better be done within the limits of their will, I trust with entire confidence to what yourself, Gen. Breckenridge and Mr. Johnson shall think best. You will see what is practicable, and give it such shape as you think best. If a loan is to be resorted to, I think sixty thousand dollars will be necessary, including the library. Its instalments cannot begin until those of the former loan are accomplished; and they should not begin later, nor be less than thirteen thousand dollars a year. (I think it safe to retain two thousand dollars a year for care of the buildings, improvement of the grounds, and unavoidable contingencies.) To extinguish this second loan, will require between five and six instalments, which will carry us to the end of 1833, or thirteen years from

this time. My individual opinion is, that we had better not open the institution until the buildings, library, and all, are finished, and our funds cleared of incumbrance. These buildings once erected, will secure the full object infallibly at the end of thirteen years, and as much earlier as the legislature shall choose. And if we were to begin sooner, with half funds only, it would satisfy the common mind, prevent their aid beyond that point, and our institution remaining at that forever, would be no more than the paltry academies we now have. Even with the whole funds we shall be reduced to six professors. While Harvard will still prime it over us with her twenty professors. How many of our youths she now has, learning the lessons of anti-Missourianism, I know not; but a gentleman lately from Princeton, told me he saw there the list of the students at that place, and that more than half were Virginians. These will return home, no doubt, deeply impressed with the sacred principles of our Holy Alliance of restrictionists.

But the gloomiest of all prospects, is in the desertion of the best friends of the institution, for desertion I must call it. I know not the necessities which may force this on you. General Cocke, you say, will explain them to me; but I cannot conceive them, nor persuade myself they are uncontrollable. I have ever hoped, that yourself, Gen. Breckenridge and Mr. Johnson would stand at your posts in the legislature, until everything was effected, and the institution opened. If it is so difficult to get along with all the energy and influence of our present colleagues in the legislature, how can we expect to proceed at all, reducing our moving power? I know well your devotion to your country, and your foresight of the awful scenes coming on her, sooner or later. With this foresight, what service can we ever render her equal to this? What object of our lives can we propose so important? What interest of our own which ought not to be postponed to this? Health, time, labor, on what in the single life which nature has given us, can these be better bestowed than on this immortal boon to our country? The exertions and the mortifications are temporary; the benefit eternal. If any member of

our college of visitors could justifiably withdraw from this sacred duty, it would be myself, who, *quadragenis stipendiis jamdudum peractis*, have neither vigor of body nor mind left to keep the field; but I will die in the last ditch, and so I hope you will, my friend, as well as our firm-breasted brothers and colleagues, Mr. Johnson and Gen. Breckenridge. Nature will not give you a second life wherein to atone for the omissions of this. Pray then, dear and very dear Sir, do not think of deserting us, but view the sacrifices which seem to stand in your way, as the lesser duties, and such as ought to be postponed to this, the greatest of all Continue with us in these holy labors, until having seen their accomplishment, we may say with old Simeon, "*nunc dimittas, Domine.*" Under all circumstances, however, of praise or blame, I shall be affectionately yours.

TO JARED MANSFIELD, ESQ.

MONTICELLO, February 13, 1821.

I am favored, Sir, with your letter of January 26th, and am duly sensible of the honor proposed of giving to my portrait a place among the benefactors of our nation, and of the establishment of West Point in particular. I have ever considered that establishment as of major importance to our country, and in whatever I could do for it, I viewed myself as performing a duty only. This is certainly more than requited by the kind sentiments expressed in your letter. The real debt of the institution is to its able and zealous professors. Mr. Sully, I fear, however, will consider the trouble of his journey, and the employment of his fine pencil, as illy bestowed on an ottamy of 78. Voltaire, when requested by a female friend to sit for his bust by the sculptor Pigalle, answered, "J'ai soixante seize ans; et M. Pigalle doit, dit-on venir modeler mon visage. Mais, Madame, il faudrait que j'eusse un visage. On n'en devinerait à peine la place mes yeux sont enfonces de trois pouces; mes joues sont de vieux parchemin mal collés sur des os qui ne tiennent à rien. Le peu

de dents que j'avais est parti." I will conclude, however, with him, that what remains is at your service, and that of the pencil of Mr. Sully. I shall be at home till the middle of April, when I shall go for some time to an occasional and distant residence. Within this term Mr. Sully will be pleased to consult his own convenience, in which the state of the roads will of course have great weight. Every day of it will be equal with me.

I pray you, Sir, to convey to the brethren of your institution, and to accept for yourself also, the assurance of my high consideration and regard.

TO GENERAL BRECKENRIDGE.

MONICELLO, February 15, 1821.

DEAR SIR,—I learn, with deep affliction, that nothing is likely to be done for our University this year. So near as it is to the shore that one shove more would land it there, I had hoped that would be given; and that we should open with the next year an institution on which the fortunes of our country may depend more than may meet the general eye. The reflections that the boys of this age are to be the men of the next; that they should be prepared to receive the holy charge which we are cherishing to deliver over to them; that in establishing an institution of wisdom for them, we secure it to all our future generations; that in fulfilling this duty, we bring home to our own bosoms the sweet consolation of seeing our sons rising under a luminous tuition, to destinies of high promise; these are considerations which will occur to all; but all, I fear, do not see the speck in our horizon which is to burst on us as a tornado, sooner or later. The line of division lately marked out between different portions of our confederacy, is such as will never, I fear, be obliterated, and we are now trusting to those who are against us in position and principle, to fashion to their own form the minds and affections of our youth. If, as has been estimated, we send three hundred thousand dollars a year to the northern seminaries, for the in-

struction of our own sons, then we must have there five hundred of our sons, imbibing opinions and principles in discord with those of their own country. This canker is eating on the vitals of our existence, and if not arrested at once, will be beyond remedy. We are now certainly furnishing recruits to their school. If it be asked what are we to do, or said we cannot give the last lift to the University without stopping our primary schools, and these we think most important; I answer, I know their importance. Nobody can doubt my zeal for the general instruction of the people. Who first started that idea? I may surely say, myself. Turn to the bill in the revised code, which I drew more than forty years ago, and before which the idea of a plan for the education of the people, generally, had never been suggested in this State. There you will see developed the first rudiments of the whole system of general education we are now urging and acting on; and it is well known to those with whom I have acted on this subject, that I never have proposed a sacrifice of the primary to the ultimate grade of instruction. Let us keep our eye steadily on the whole system. If we cannot do everything at once, let us do one at a time. The primary schools need no preliminary expense; the ultimate grade requires a considerable expenditure in advance. A suspension of proceeding for a year or two on the primary schools, and an application of the whole income, during that time, to the completion of the buildings necessary for the University, would enable us then to start both institutions at the same time. The intermediate branch, of colleges, academies and private classical schools, for the middle grade, may hereafter receive any necessary aids when the funds shall become competent. In the meantime, they are going on sufficiently, as they have ever yet gone on, at the private expense of those who use them, and who in numbers and means are competent to their own exigencies. The experience of three years has, I presume, left no doubt that the present plan of primary schools, of putting money into the hands of twelve hundred persons acting for nothing, and under no responsibility, is entirely inefficient. Some other must be thought of; and during this pause, if it be only for

a year, the whole revenue of that year, with that of the last three years which has not been already thrown away, would place our University in readiness to start with a better organization of primary schools, and both may then go on, hand in hand, forever. No diminution of the capital will in this way have been incurred; a principle which ought to be deemed sacred. A relinquishment of interest on the late loan of sixty thousand dollars, would so far, also, forward the University without lessening the capital.

But what may be best done I leave with entire confidence to yourself and your colleagues in legislation, who know better than I do the conditions of the literary fund and its wisest application; and I shall acquiesce with perfect resignation to their will. I have brooded, perhaps with fondness, over this establishment, as it held up to me the hope of continuing to be useful while I continued to live. I had believed that the course and circumstances of my life had placed within my power some services favorable to the outset of the institution. But this may be egotism; pardonable, perhaps, when I express a consciousness that my colleagues and successors will do as well, whatever the legislature shall enable them to do.

I have thus, my dear Sir, opened my bosom, with all its anxieties, freely to you. I blame nobody for seeing things in a different light. I am sure that all act conscientiously, and that all will be done honestly and wisely which can be done. I yield the concerns of the world with cheerfulness to those who are appointed in the order of nature to succeed to them; and for yourself, for our colleagues, and for all in charge of our country's future fame and fortune, I offer up sincere prayers.

TO DABNEY TERRELL, ESQ.

MONTICELLO, February 26, 1821.

DEAR SIR,—While you were in this neighborhood, you mentioned to me your intention of studying the law, and asked my opinion as to the sufficient course of reading. I gave it to you,

ore tenus, and with so little consideration that I do not remember what it was; but I have since recollected that I once wrote a letter to Dr. Cooper,* on good consideration of the subject. He was then law-lecturer, I believe, at Carlisle. My stiffening wrist makes writing now a slow and painful operation, but my granddaughter Ellen undertakes to copy the letter, which I shall enclose herein.

I notice in that letter four distinct epochs at which the English laws have been reviewed, and their whole body, as existing at each epoch, well digested into a code. These digests were by Bracton, Coke, Matthew Bacon and Blackstone. Bracton having written about the commencement of the extant statutes, may be considered as having given a digest of the laws then in being, written and unwritten, and forming, therefore, the textual code of what is called the common law, just at the period too when it begins to be altered by statutes to which we can appeal. But so much of his matter is become obsolete by change of circumstances or altered by statute, that the student may omit him for the present, and

1st. Begin with †Coke's four Institutes. These give a complete body of the law as it stood in the reign of the first James, an epoch the more interesting to us, as we separated at that point from English legislation, and acknowledge no subsequent statutary alterations.

* January 16, 1814.

† Since the date of this letter, a most important and valuable edition has been published of Coke's First Institute. The editor, Thomas, has analyzed the whole work, and re-composed its matter in the order of Blackstone's Commentaries, not omitting a sentence of Lord Coke's text, nor inserting one not his. In notes, under the text, he has given the modern decisions relating to the same subjects, rendering it thus as methodical, lucid, easy and agreeable to the reader as Blackstone, and more precise and profound. It can now be no longer doubted that this is the very best elementary work for a beginner in the study of the law. It is not, I suppose, to be had in this State, and questionable if in the North, as yet, and it is dear, costing in England four guineas or nineteen dollars, to which add the duty here on imported books, which, on the three volumes 8vo, is something more than three dollars, or one dollar the 8vo volume. This is a tax on learned readers to support printers for the readers of "The Delicate Distress, and The Wild Irish Boy."

2. Then passing over (for occasional reading as hereafter proposed) all the reports and treatises to the time of Matthew Bacon, read his abridgment, compiled about one hundred years after Coke's, in which they are all embodied. This gives numerous applications of the old principles to new cases, and gives the general state of the English law at that period.

Here, too, the student should take up the chancery branch of the law, by reading the first and second abridgments of the cases in Equity. The second is by the same Matthew Bacon, the first having been published some time before. The alphabetical order adopted by Bacon, is certainly not as satisfactory as the systematic. But the arrangement is under very general and leading heads, and these, indeed, with very little difficulty, might be systematically instead of alphabetically arranged and read.

3. Passing now in like manner over all intervening reports and tracts, the student may take up Blackstone's Commentaries, published about twenty-five years later than Bacon's abridgment, and giving the substance of these new reports and tracts. This review is not so full as that of Bacon, by any means, but better digested. Here, too, Woodeson should be read as supplementary to Blackstone, under heads too shortly treated by him. Fonblanque's edition of Francis' Maxims of Equity, and Bridgman's digested Index, into which the latter cases are incorporated, are also supplementary in the chancery branch, in which Blackstone is very short.

This course comprehends about twenty-six 8vo volumes, and reading four or five hours a day would employ about two years.

After these, the best of the reporters since Blackstone should be read for the new cases which have occurred since his time. Which they are I know not, as all of them are since my time.

By way of change and relief for another hour or two in the day, should be read the law-tracts of merit which are many, and among them all those of Baron Gilbert are of the first order. In these hours, too, may be read Bracton, (now translated,) and Justinian's Institute. The method of these two last works is very much the same, and their language often quite so. Justinian is

very illustrative of the doctrines of equity, and is often appealed to, and Cooper's edition is the best on account of the analogies and contrasts he has given of the Roman and English law. After Bracton, Reeves' History of the English Law may be read to advantage. During this same hour or two of lighter law reading, select and leading cases of the reporters may be successively read, which the several digests will have pointed out and referred to.

* * * * * * *

I have here sketched the reading in common law and chancery which I suppose necessary for a reputable practitioner in those courts. But there are other branches of law in which, although it is not expected he should be an adept, yet when it occurs to speak of them, it should be understandingly to a decent degree. There are the Admiralty law, Ecclesiastical law, and the Law of Nations. I would name as elementary books in these branches, Molloy de Jure Maritimo. Brown's Compend of the Civil and Admiralty Law, 2 vols. 8vo. The Jura Ecclesiastica, 2 vols. 8vo. And Les Institutions du droit de la Nature et des Gens de Reyneval, 1 vol. 8vo.

Besides these six hours of law reading, light and heavy, and those necessary for the repasts of the day, for exercise and sleep, which suppose to be ten or twelve, there will still be six or eight hours for reading history, politics, ethics, physics, oratory, poetry, criticism, &c., as necessary as law to form an accomplished lawyer.

The letter to Dr. Cooper, with this as a supplement, will give you those ideas on a sufficient course of law reading which I ought to have done with more consideration at the moment of your first request. Accept them now as a testimony of my esteem, and of sincere wishes for your success; and the family, *unâ voce*, desires me to convey theirs with my own affectionate salutations.

TO TIMOTHY PICKERING, ESQ.

MONTICELLO, February 27, 1821.

I have received, Sir, your favor of the 12th, and I assure you I received it with pleasure. It is true, as you say, that we have differed in political opinions; but I can say with equal truth, that I never suffered a political to become a personal difference. I have been left on this ground by some friends whom I dearly loved, but I was never the first to separate. With some others, of politics different from mine, I have continued in the warmest friendship to this day, and to all, and to yourself particularly, I have ever done moral justice.

I thank you for Mr. Channing's discourse, which you have been so kind as to forward me. It is not yet at hand, but is doubtless on its way. I had received it through another channel, and read it with high satisfaction. No one sees with greater pleasure than myself the progress of reason in its advances towards rational Christianity. When we shall have done away the incomprehensible jargon of the Trinitarian arithmetic, that three are one, and one is three; when we shall have knocked down the artificial scaffolding, reared to mask from view the simple structure of Jesus; when, in short, we shall have unlearned everything which has been taught since his day, and got back to the pure and simple doctrines he inculcated, we shall then be truly and worthily his disciples; and my opinion is that if nothing had ever been added to what flowed purely from his lips, the whole world would at this day have been Christian. I know that the case you cite, of Dr. Drake, has been a common one. The religion-builders have so distorted and deformed the doctrines of Jesus, so muffled them in mysticisms, fancies and falsehoods, have caricatured them into forms so monstrous and inconceivable, as to shock reasonable thinkers, to revolt them against the whole, and drive them rashly to pronounce its founder an impostor. Had there never been a commentator, there never would have been an infidel. In the present advance of truth, which we both approve, I do not know that you and I may think alike on all

points. As the Creator has made no two faces alike, so no two minds, and probably no two creeds. We well know that among Unitarians themselves there are strong shades of difference, as between Doctors Price and Priestley, for example. So there may be peculiarities in your creed and in mine. They are honestly formed without doubt. I do not wish to trouble the world with mine, nor to be troubled for them. These accounts are to be settled only with him who made us; and to him we leave it, with charity for all others, of whom, also, he is the only rightful and competent judge. I have little doubt that the whole of our country will soon be rallied to the unity of the Creator, and, I hope, to the pure doctrines of Jesus also.

In saying to you so much, and without reserve, on a subject on which I never permit myself to go before the public, I know that I am safe against the infidelities which have so often betrayed my letters to the strictures of those for whom they were not written, and to whom I never meant to commit my peace. To yourself I wish every happiness, and will conclude, as you have done, in the same simple style of antiquity, *da operam ut valeas; hoc mihi gratius facere nihil potes.*

TO JUDGE ROANE.

MONTICELLO, March 9, 1821.

DEAR SIR,—I am indebted for your favor of February 25th, and especially for your friendly indulgence to my excuses for retiring from the polemical world. I should not shrink from the post of duty, had not the decays of nature withdrawn me from the list of combatants. Great decline in the energies of the body import naturally a corresponding wane of the mind, and a longing after tranquillity as the last and sweetest asylum of age. It is a law of nature that the generations of men should give way, one to another, and I hope that the one now on the stage will preserve for their sons the political blessings delivered into their hands by their fathers. Time indeed changes manners and notions, and so far we must expect institutions to bend to them.

But time produces also corruption of principles, and against this it is the duty of good citizens to be ever on the watch, and if the gangrene is to prevail at last, let the day be kept off as long as possible. We see already germs of this, as might be expected. But we are not the less bound to press against them. The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning-knife; and I doubt not it will be employed; good principles being as yet prevalent enough for that.

The great object of my fear is the federal judiciary. That body, like gravity, ever acting, with noiseless foot, and unalarming advance, gaining ground step by step, and holding what it gains, is ingulphing insidiously the special governments into the jaws of that which feeds them. The recent recall to first principles, however, by Colonel Taylor, by yourself, and now by Alexander Smith, will, I hope, be heard and obeyed, and that a temporary cheek will be effected. Yet be not weary of well doing. Let the eye of vigilance never be closed.

Last and most portentous of all is the Missouri question. It is smeared over for the present; but its geographical demarcation is indelible. What it is to become, I see not; and leave to those who will live to see it. The University will give employment to my remaining years, and quite enough for my senile faculties. It is the last act of usefulness I can render, and could I see it open I would not ask an hour more of life. To you I hope many will still be given; and, certain they will all be employed for the good of our beloved country, I salute you with sentiments of especial friendship and respect.

TO JUDGE ROANE.

MONTICELLO, June 27, 1821.

DEAR SIR,—I have received through the hands of the Governor, Colonel Taylor's letter to you. It is with extreme reluctance

that I permit myself to usurp the office of an adviser of the public, what books they should read, and what not. I yield, however, on this occasion to your wish and that of Colonel Taylor, and do what (with a single exception only) I never did before, on the many similar applications made to me. On reviewing my letters to Colonel Taylor and to Mr. Thweatt, neither appeared exactly proper. Each contained matter which might give offence to the judges, without adding strength to the opinion. I have, therefore, out of the two, cooked up what may be called "an extract of a letter from Th: J. to ——;" but without saying it is published *with my consent.* That would forever deprive me of the ground of declining the office of a Reviewer of books in future cases. I sincerely wish the attention of the public may be drawn to the doctrines of the book; and if this self-styled extract may contribute to it, I shall be gratified. I salute you with constant friendship and respect.

EXTRACT OF A LETTER FROM TH: JEFFERSON TO ——.

I have read Colonel Taylor's book of "Constructions Construed," with great satisfaction, and, I will say, with edification; for I acknowledge it corrected some errors of opinion into which I had slidden without sufficient examination. It is the most logical retraction of our governments to the original and true principles of the constitution creating them, which has appeared since the adoption of that instrument. I may not perhaps concur in all its opinions, great and small; for no two men ever thought alike on so many points. But on all its important questions, it contains the true political faith, to which every catholic republican should steadfastly hold. It should be put into the hands of all our functionaries, authoritatively, as a standing instruction, and true exposition of our Constitution, as understood at the time we agreed to it. It is a fatal heresy to suppose that either our State governments are superior to the federal, or the federal to the States. The people, to whom all authority belongs, have divided the powers of government into two distinct departments, the leading characters of which are *foreign* and domestic; and

they have appointed for each a distinct set of functionaries These they have made co-ordinate, checking and balancing each other, like the three cardinal departments in the individual States: each equally supreme as to the powers delegated to itself, and neither authorized ultimately to decide what belongs to itself, or to its coparcenor in government. As independent, in fact, as different nations, a spirit of forbearance and compromise, therefore, and not of encroachment and usurpation, is the healing balm of such a constitution; and each party should prudently shrink from all approach to the line of demarcation, instead of rashly overleaping it, or throwing grapples ahead to haul to hereafter. But, finally, the peculiar happiness of our blessed system is, that in differences of opinion between these different sets of servants, the appeal is to neither, but to their employers peaceably assembled by their representatives in Convention. This is more rational than the *jus fortioris*, or the cannon's mouth, the *ultima et sola ratio regum.*

TO GENERAL DEARBORNE.

MONTICELLO, August 17, 1821.

DEAR SIR,—Your favor of the 8th came to hand yesterday evening. I hope you will never suppose your letters to be among those which are troublesome to me. They are always welcome, and it is among my great comforts to hear from my ancient colleagues, and to know that they are well. The affectionate recollection of Mrs. Dearborne, cherished by our family, will ever render her health and happiness interesting to them. You are so far astern of Mr. Adams and myself, that you must not yet talk of old age. I am happy to hear of his good health. I think he will outlive us all, I mean the Declaration-men, although our senior since the death of Colonel Floyd. It is a race in which I have no ambition to win. Man, like the fruit he eats, has his period of ripeness. Like that, too, if he continues longer hanging to the stem, it is but an useless and unsightly appendage. I

rejoice with you that the State of Missouri is at length a member of our Union. Whether the question it excited is dead, or only sleepeth, I do not know. I see only that it has given resurrection to the Hartford convention men. They have had the address, by playing on the honest feelings of our former friends, to seduce them from their kindred spirits, and to borrow their weight into the federal scale. Desperate of regaining power under political distinctions, they have adroitly wriggled into its seat under the auspices of morality, and are again in the ascendency from which their sins had hurled them. It is indeed of little consequence who governs us, if they sincerely and zealously cherish the principles of union and republicanism.

I still believe that the Western extension of our confederacy will ensure its duration, by overruling local factions, which might shake a smaller association. But whatever may be the merit or demerit of that acquisition, I divide it with my colleagues, to whose councils I was indebted for a course of administration which, notwithstanding this late coalition of clay and brass, will, I hope, continue to receive the approbation of our country.

The portrait by Stewart was received in due time and good order, and claims, for this difficult acquisition, the thanks of the family, who join me in affectionate souvenirs of Mrs. Dearborne and yourself. My particular salutations to both flow, as ever, from the heart, continual and warm.

TO MR. C. HAMMOND.

MONTICELLO, August 18, 1821.

SIR,—Your favor of the 7th is just now received. The letter to which it refers was written by me with the sole view of recommending to the study of my fellow citizens a book which I considered as containing more genuine doctrines on the subject of our government, and carrying us back more truly to its fundamental principles, than any one which had been written since the adoption of our constitution. As confined to this object. I thought,

and still think, its language as plain and intelligible as I can make it. But when we see inspired writings made to speak whatever opposite controversialists wish them to say, we cannot ourselves expect to find language incapable of similar distortion. My expressions were general; their perversion is in their misapplication to a particular case. To test them truly, they should turn to the book with whose opinion they profess to coincide. If the book establishes that a State has no right to tax the monied property within its limits, or that it can be called, as a party, to the bar of the federal judiciary, then they may infer that these are my opinions. If no such doctrines are there, my letter does not authorize their imputation to me.

It has long, however, been my opinion, and I have never shrunk from its expression, (although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion,) that the germ of dissolution of our federal government is in the constitution of the federal judiciary; an irresponsible body, (for impeachment is scarcely a scare-crow,) working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. To this I am opposed; because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated. It will be as in Europe, where every man must be either pike or gudgeon, hammer or anvil. Our functionaries and theirs are wares from the same work-shop; made of the same materials, and by the same hand. If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrolable but by a rod of iron, and the blasphemers of man, as incapable of self-government, become his true historians.

But let me beseech you, Sir, not to let this letter get into a newspaper. Tranquillity, at my age, is the supreme good of life. I think it a duty, and it is my earnest wish, to take no further part in public affairs; to leave them to the existing generation to whose turn they have fallen, and to resign the remains of a decaying body and mind to their protection. The abuse of confidence by publishing my letters has cost me more than all other pains, and make me afraid to put pen to paper in a letter of sentiment. If I have done it frankly in answer to your letter, it is in full trust that I shall not be thrown by you into the arena of a newspaper. I salute you with great respect.

TO JOHN ADAMS.

MONTICELLO, September 12, 1821.

DEAR SIR,—I am just returned from my other home, and shall within a week go back to it for the rest of the autumn. I find here your favor of August 20th, and was before in arrear for that of May 19th. I cannot answer, but join in, your question of May 19th. Are we to surrender the pleasing hopes of seeing improvement in the moral and intellectual condition of man? The events of Naples and Piedmont cast a gloomy cloud over that hope, and Spain and Portugal are not beyond jeopardy. And what are we to think of this northern triumvirate, arming their nations to dictate despotisms to the rest of the world? And the evident connivance of England, as the price of secret stipulations for continental armies, if her own should take side with her malcontent and pulverized people? And what of the poor Greeks, and their small chance of amelioration even if the hypocritical Autocrat should take them under the iron cover of his Ukazes. Would this be lighter or safer than that of the Turk? These, my dear friend, are speculations for the new generation, as, before they will be resolved, you and I must join our deceased brother Floyd. Yet I will not believe our labors are lost. I shall not die without a hope that light and liberty are on steady

advance. We have seen, indeed, once within the records of history, a complete eclipse of the human mind continuing for centuries. And this, too, by swarms of the same northern barbarians, conquering and taking possession of the countries and governments of the civilized world. Should this be again attempted, should the same northern hordes, allured again by the corn, wine, and oil of the south, be able again to settle their swarms in the countries of their growth, the art of printing alone, and the vast dissemination of books, will maintain the mind where it is, and raise the conquering ruffians to the level of the conquered, instead of degrading these to that of their conquerors. And even should the cloud of barbarism and despotism again obscure the science and liberties of Europe, this country remains to preserve and restore light and liberty to them. In short, the flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them.

I think with you that there should be a school of instruction for our navy as well as artillery; and I do not see why the same establishment might not suffice for both. Both require the same basis of general mathematics, adding projectiles and fortifications for the artillery exclusively, and astronomy and theory of navigation exclusively for the naval students. Berout conducted both schools in France, and has left us the best book extant for their joint and separate instruction. It ought not to require a separate professor.

A 4th of July oration delivered in the town of Milford, in your State, gives to Samuel Chase the credit of having "first started the cry of independence in the ears of his countrymen." Do you remember anything of this? I do not. I have no doubt it was uttered in Massachusetts even before it was by Thomas Paine. But certainly I never considered Samuel Chase as foremost, or even forward in that hallowed cry. I know that Maryland hung heavily on our backs, and that Chase, although first named, was not most in unison with us of that delegation, either in politics or morals, *et c'est ainsi que l'on ecrit l'histoire!*

Your doubt of the legitimacy of the word *gloriola*, is resolved by Cicero, who, in his letter to Lucceius expresses a wish "*ut nos metipsi vivi gloriola nostra perfruamur.*" Affectionately adieu.

JOHN ADAMS TO THOMAS JEFFERSON.

MONTEZILLO, September 24, 1821.

DEAR SIR,—I thank you for your favor of the 12th instant. Hope springs eternal. Eight millions of Jews hope for a Messiah more powerful and glorious than Moses, David, or Solomon; who is to make them as powerful as he pleases. Some hundreds of millions of Musslemen expect another prophet more powerful than Mahomet, who is to spread Islamism over the whole earth. Hundreds of millions of Christians expect and hope for a millennium in which Jesus is to reign for a thousand years over the whole world before it is burnt up. The Hindoos expect another and final incarnation of Vishnu, who is to do great and wonderful things, I know not what. All these hopes are founded on real or pretended revelation. The modern Greeks, too, it seems, hope for a deliverer who is to produce them—the Themistocleses and Demostheneses—the Platos and Aristotles—the Solons and Lycurguses. On what prophecies they found their belief, I know not. You and I hope for splendid improvements in human society, and vast amelioration in the condition of mankind. Our faith may be supposed by more rational arguments than any of the former, I own that I am very sanguine in the belief of them, as I hope and believe you are, and your reasoning in your letter confirmed me in them.

As Brother Floyd has gone, I am now the oldest of the little Congressional group that remain. I may therefore rationally hope to be the first to depart; and as you are the youngest and most energetic in mind and body, you may therefore rationally hope to be the last to take your flight, and to rake up the fire as father Sherman, who always staid to the last, and commonly two days afterwards, used to say, "that it was his office to sit up

and rake the ashes over the coals." And much satisfaction may you have in your office.

The cholera morbus has done wonders in St. Helena and in London. We shall soon hear of a negotiation for a second wife. Whether in the body, or out of the body, I shall always be your friend.

The anecdote of Mr. Chase, contained in the oration delivered at Milford, must be an idle rumor, for neither the State of Maryland, nor of their delegates, were very early in their conviction of the necessity of independence, nor very forward in promoting it. The old speaker Tilghman, Johnson, Chase, and Paca, were steady in promoting resistance, but after some of them, Maryland sent one, at least, of the most turbulent Tories that ever came to Congress.

TO ———.'

MONTICELLO, September 28, 1821.

SIR,—The government of the United States, at a very early period, when establishing its tariff on foreign importations, were very much guided in their selection of objects by a desire to encourage manufactures within ourselves. Among other articles then selected were books, on the importation of which a duty of fifteen per cent. was imposed, which, by ordinary custom house charges, amount to about eighteen per cent., and adding the importing booksellers profit on this, becomes about twenty-seven per cent. This was useful at first, perhaps, towards exciting our printers to make a beginning in that business here. But it is found in experience that the home demand is not sufficient to justify the re-printing any but the most popular English works, and cheap editions of a few of the classics for schools. For the editions of value, enriched by notes, commentaries, &c., and for books in foreign living languages, the demand here is too small and sparse to reimburse the expense of re-printing them. None of these, therefore, are printed here, and the duty on them becomes consequently not a protecting, but really a prohibitory one

It makes a very serious addition to the price of the book, and falls chiefly on a description of persons little able to meet it. Students who are destined for professional callings, as most of our scholars are, are barely able for the most part to meet the expenses of tuition. The addition of eighteen or twenty-seven per cent. on the books necessary for their instruction, amounts often to a prohibition as to them. For want of these aids, which are open to the students of all other nations but our own, they enter on their course on a very unequal footing with those of the same professions in foreign countries, and our citizens at large, too, who employ them, do not derive from that employment all the benefit which higher qualifiations would give them. It is true that no duty is required on books imported for seminaries of learning, but these, locked up in libraries, can be of no avail to the practical man when he wishes a recurrence to them for the uses of life. Of many important books of reference there is not perhaps a single copy in the United States; of others but a few, and these too distant often to be accessible to scholars generally. It is believed, therefore, that if the attention of Congress could be drawn to this article, they would, in their wisdom, see its impolicy. Science is more important in a republican than in any other government. And in an infant country like ours, we must much depend for improvement on the science of other countries, longer established, possessing better means, and more advanced than we are. To prohibit us from the benefit of foreign light, is to consign us to long darkness.

The northern seminaries following with parental solicitude the interests of their elevès in the course for which they have prepared them, propose to petition Congress on this subject, and wish for the coöperation of those of the south and west, and I have been requested, as more convenient in position than they are, to solicit that coöperation. Having no personal acquaintance with those who are charged with the direction of the college of ————————, I do not know how more effectually to communicate these views to them, than by availing myself of the knowledge I have of your zeal for the happiness and improvement of

our country. I take the liberty, therefore, of requesting you to place the subject before the proper authorities of that institution, and if they approve the measure, to solicit a concurrent proceeding on their part to carry it into effect. Besides petitioning Congress, I would propose that they address in their corporate capacity, a letter to their delegates and senators in Congress, soliciting their best endeavors to obtain the repeal of the duty on imported books. I cannot but suppose that such an application will be respected by them, and will engage their votes and endeavors to effect an object so reasonable. A conviction that science is important to the preservation of our republican government, and that it is also essential to its protection against foreign power, induces me, on this occasion, to step beyond the limits of that retirement to which age and inclination equally dispose me, and I am without a doubt that the same considerations will induce you to excuse the trouble I propose to you, and that you will kindly accept the assurance of my high respect and esteem.

TO NATHANIEL MACON.

MONTICELLO, November 23, 1821.

DEAR SIR,—Absence at an occasional but distant residence, prevented my receiving your friendly letter of October 20th till three days ago. A line from my good old friends is like balm to my soul. You ask me what you are to do with my letter of September 19th? I wrote it, my dear Sir, with no other view than to pour my thoughts into your bosom. I knew they would be safe there, and I believed they would be welcome. But if you think, as you say, that "good may be done by showing it to a few *well-tried friends*," I have no objection to that, but ultimately you cannot do better than to throw it into the fire.

My confidence, as you kindly observed, has been often abused by the publication of my letters for the purposes of interest or vanity, and it has been to me the source of much pain to be exhibited before the public in forms not meant for them. I receive

letters expressed in the most friendly and even affectionate terms, sometimes, perhaps, asking my opinion on some subject. I cannot refuse to answer such letters, nor can I do it dryly and suspiciously. Among a score or two of such correspondents, one perhaps betrays me. I feel it mortifyingly, but conclude I had better incur one treachery than offend a score or two of good people. I sometimes expressly desire that my letter may not be published; but this is so like requesting a man not to steal or cheat, that I am ashamed of it after I have done it.

Our government is now taking so steady a course as to show by what road it will pass to destruction, to-wit: by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the federal judiciary; the two other branches, the corrupting and corrupted instruments. I fear an explosion in our State Legislature. I wish they may restrain themselves to a strong but temperate protestation. Virginia is not at present in favor with her co-States. An opposition headed by her would determine all the anti-Missouri States to take the contrary side. She had better lie by, therefore, till the shoe shall pinch an eastern State. Let the cry be first raised from that quarter, and we may fall into it with effect. But I fear our eastern associates wish for consolidation, in which they would be joined by the smaller States generally. But, with one foot in the grave, I have no right to meddle with these things. Ever and affectionately yours.

TO ———.

MONTICELLO, November 29, 1821.

DEAR SIR,—You have often gratified me by your astronomical communications, and I am now about to amuse you with one of mine. But I must first explain the circumstances which have drawn me into a speculation so foreign to the path of life which the times in which I have lived, more than my own inclinations, have led me to pursue.

I had long deemed it incumbent on the authorities of our country, to have the great western wilderness beyond the Mississippi, explored, to make known its geography, its natural productions, its general character and inhabitants. Two attempts which I had myself made formerly, before the country was ours, the one from west to east, the other from east to west, had both proved abortive. When called to the administration of the general government, I made this an object of early attention, and proposed it to Congress. They voted a sum of five thousand dollars for its execution, and I placed Captain Lewis at the head of the enterprise. No man within the range of my acquaintance, united so many of the qualifications necessary for its successful direction. But he had not received such an astronomical education as might enable him to give us the geography of the country with the precision desired. The Missouri and Columbia, which were to constitute the tract of his journey, were rivers which varied little in their progressive latitudes, but changed their longitudes rapidly and at every step. To qualify him for making these observations, so important to the value of the enterprise, I encouraged him to apply himself to this particular object, and gave him letters to Doctor Patterson and Mr. Ellicott, requesting them to instruct him in the necessary processes. Those for the longitude would of course be founded on the lunar distances. But as these require essentially the aid of a time-keeper, it occurred to me that during a journey of two, three, or four years, exposed to so many accidents as himself and the instrument would be, we might expect with certainty that it would become deranged, and in a desert country where it could not be repaired. I thought it then highly important that some means of observation should be furnished him, if any could be, which should be practicable and competent to ascertain his longitudes in that event. The equatorial occurred to myself as the most promising substitute. I observed only that Ramsden, in his explanation of its uses, and particularly that of finding the longitude at land, still required his observer to have the aid of a time-keeper. But this cannot be necessary, for the margin of the equatorial circle of this in-

strument being divided into time by hours, minutes, and seconds, supplies the main functions of the time-keeper, and for measuring merely the interval of the observations, is such as not to be neglected. A portable pendulum, for counting, by an assistant, would fully answer that purpose. I suggested my fears to several of our best astronomical friends, and my wishes that other processes should be furnished him, if any could be, which might guard us ultimately from disappointment. Several other methods were proposed, but all requiring the use of a time-keeper. That of the equatorial being recommended by none, and other duties refusing me time for protracted consultations, I relinquished the idea for that occasion. But, if a sound one, it should not be abandoned. Those deserts are yet to be explored, and their geography given to the world and ourselves with a correctness worthy of the science of the age. The acquisition of the country before Captain Lewis' departure facilitated our enterprise, but his time-keeper failed early in his journey. His dependence, then, was on the compass and log-line, with the correction of latitudes only; and the true longitudes of the different points of the Missouri, of the Stony Mountains, the Columbia and Pacific, at its mouth, remain yet to be obtained by future enterprise.

The circumstance which occasions a recurrence of the subject to my mind at this time particularly is this: our legislature, some time ago, came to a determination that an accurate map should be made of our State. The late John Wood was employed on it. Its first elements are prepared by maps of the several counties. But these have been made by chain and compass only, which suppose the surface of the earth to be a plane. To fit them together, they must be accommodated to its real spherical surface; and this can be done only by observations of latitude and longitude, taken at different points of the area to which they are to be reduced. It is true that in the lower and more populous parts of the State, the method of lunar distances by the circle or sextant, and time-keeper, may be used; because those parts furnish means of repairing or replacing a deranged time-keeper. But the deserts beyond the Alleghany are as destitute

of resource in that case, as those of the Missouri. The question then recurs whether the equatorial, without the auxiliary of a time-keeper, is not competent to the ascertainment of longitudes at land, where a fixed meridian can always be obtained? and whether indeed it may not everywhere at land, be a readier and preferable instrument for that purpose? To these questions I ask your attentions; and to show the grounds on which I entertain the opinion myself, I will briefly explain the principles of the process, and the peculiarities of the instrument which give it the competence I ascribe to it. And should you concur in the opinion, I will further ask you to notice any particular circumstances claiming attention in the process, and the corrections which the observations may necessarily require. As to myself, I am an astronomer of theory only, little versed in practical observations, and the minute attentions and corrections they require. I proceed now to the explanation.

A method of finding the longitude of a place *at land, without a time-keeper.*

If two persons, at different points of the same hemisphere, (as Greenwich and Washington, for example,) observe the same celestial phenomenon, at the same instant of time, the difference of the times marked by their respective clocks is the difference of their longitudes, or the distance between their meridians. To catch with precision the same instant of time for these simultaneous observations, the moon's motion in her orbit is the best element; her change of place (about a half second of space in a second of time) is rapid enough to be ascertained by a good instrument with sufficient precision for the object. But suppose the observer at Washington, or in a desert, to be without a time-keeper; the equatorial is the instrument to be used in that case. Again, we have supposed a cotemporaneous observer at Greenwich. But his functions may be supplied by the nautical almanac, adapted to that place, and enabling us to calculate for any instant of time the meridian distances there of the heavenly bodies necessary to be observed for this purpose.

The observer at Washington, choosing the time when their

position is suitable, is to adjust his equatorial to his meridian, to his latitude, and to the plane of his horizon; or if he is in a desert where neither meridian nor latitude is yet ascertained, the advantages of this noble instrument are, that it enables him to find both in the course of a few hours. Thus prepared, let him ascertain by observation the right ascension of the moon from that of a known star, or their horary distance; and, at the same instant, her horary distance from his meridian. Her right ascension at the instant thus ascertained, enter with that of the nautical almanac, and calculate, by its tables, what was her horary distance from the meridian of Greenwich at the instant she had attained that point of right ascension, or that horary distance from the same star. The addition of these meridian distances, if the moon was between the two meridians, or the subtraction of the lesser from the greater, if she was on the same side of both, is the differences of their longitudes.

This general theory admits different cases, of which the observer may avail himself, according to the particular position of the heavenly bodies at the moment of observation.

Case 1st. When the moon is on his meridian, or on that of Greenwich.

Second. When the star is on either meridian.

Third. When the moon and star are on the same side of his meridian.

Fourth. When they are on different sides.

For instantaneousness of observation, the equatorial has great advantage over the circle or sextant; for being truly placed in the meridian beforehand, the telescope may be directed sufficiently in advance of the moon's motion, for time to note its place on the equatorial circle, before she attains that point. Then observe, until her limb touches the cross-hairs; and in that instant direct the telescope to the star; that completes the observation, and the place of the star may be read at leisure. The apparatus for correcting the effects of refraction and parallax, which is fixed on the eye-tube of the telescope, saves time by render-

ing the notation of altitudes unnecessary, and dispenses with the use of either a time-keeper or portable pendulum.

I have observed that, if placed in a desert where neither meridian nor latitude is yet ascertained, the equatorial enables the observer to find both in a few hours. For the latitude, adjust by the cross-levels the azimuth plane of the instrument to the horizon of the place. Bring down the equatorial plane to an exact parallelism with it, its pole then becoming vertical. By the nut and pinion commanding it, and by that of the semi-circle of declination, direct the telescope to the sun. Follow its path with the telescope by the combined use of these two pinions, and when it has attained its greatest altitude, calculate the latitude as when taken by a sextant.

For finding the meridian, set the azimuth circle to the horizon, elevate the equatorial circle to the complement of the latitude, and fix it by the clamp and tightening screw of the two brass segments of arches below. By the declination semicircle set the telescope to the sun's declination of the moment. Turn the instrument towards the meridian by guess, and by the combined movement of the equatorial and azimuth circles direct the telescope to the sun, then by the pinion of the equatorial alone, follow the path of the sun with the telescope. If it swerves from that path, turn the azimuth circle until it shall follow the sun accurately. A distant stake or tree should mark the meridian, to guard against its loss by any accidental jostle of the instrument. The 12 o'clock line will then be in the true meridian, and the axis of the equatorial circle will be parallel with that of the earth. The instrument is then in its true position for the observations of the night. To the competence and the advantages of this method, I will only add that these instruments are high-priced. Mine cost thirty-five guineas in Ramsden's shop, a little before the Revolution. I will lengthen my letter, already too long, only by assurances of my great esteem and respect.

TO —— NICHOLAS.

MONTICELLO, December 11, 1821.

DEAR SIR,—Your letter of December the 19th places me under a dilemma, which I cannot solve but by an exposition of the naked truth. I would have wished this rather to have remained as hitherto, without inquiry; but your inquiries have a right to be answered. I will do it as exactly as the great lapse of time and a waning memory will enable me. I may misremember indifferent circumstances, but can be right in substance.

At the time when the republicans of our country were so much alarmed at the proceedings of the federal ascendency in Congress, in the executive and the judiciary departments, it became a matter of serious consideration how head could be made against their enterprises on the constitution. The leading republicans in Congress found themselves of no use there, brow-beaten, as they were, by a bold and overwhelming majority. They concluded to retire from that field, take a stand in the State legislatures, and endeavor there to arrest their progress. The alien and sedition laws furnished the particular occasion. The sympathy between Virginia and Kentucky was more cordial, and more intimately confidential, than between any other two States of republican policy. Mr. Madison came into the Virginia legislature. I was then in the Vice-Presidency, and could not leave my station. But your father, Colonel W. C. Nicholas, and myself happening to be together, the engaging the co-operation of Kentucky in an energetic protestation against the constitutionality of those laws, became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to introduce them to that legislature, with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him, and in keeping their origin secret, he fulfilled his pledge of honor. Some years after this, Colonel Nicholas asked me if I would have any objection to its being known that I had drawn them. I pointedly enjoined that it should not. Whether he had

unguardedly intimated it before to any one, I know not; but I afterwards observed in the papers repeated imputations of them to me; on which, as has been my practice on all occasions of imputation, I have observed entire silence. The question, indeed, has never before been put to me, nor should I answer it to any other than yourself; seeing no good end to be proposed by it, and the desire of tranquillity inducing with me a wish to be withdrawn from public notice. Your father's zeal and talents were too well known, to derive any additional distinction from the penning these resolutions. That circumstance, surely, was of far less merit than the proposing and carrying them through the legislature of his State. The only fact in this statement, on which my memory is not distinct, is the time and occasion of the consultation with your father and Colonel Nicholas. It took place here I know; but whether any other person was present, or communicated with, is my doubt. I think Mr. Madison was either with us, or consulted, but my memory is uncertain as to minute details.

I fear, dear Sir, we are now in such another crisis, with this difference only, that the judiciary branch is alone and single handed in the present assaults on the constitution. But its assaults are more sure and deadly, as from an agent seemingly passive and unassuming. May you and your cotemporaries meet them with the same determination and effect, as your father and his did the alien and sedition laws, and preserve inviolate a constitution, which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the earth. With these prayers, accept those for your own happiness and prosperity.

TO MESSRS. GEORGE W. SUMMERS AND JOHN B. GARLAND.

MONTICELLO, February 27, 1822.

GENTLEMEN,—I have received your favor of the 18th, and am duly sensible of the honor done my name by its association with the institution formed in your college for improvement in the art

of speaking. The efforts of the members will, I trust, give a just reputation to the society and reflect on its name the honor which it cannot derive from it. In a country and government like ours, eloquence is a powerful instrument, well worthy of the special pursuit of our youth. Models, indeed, of chaste and classical oratory are truly too rare with us; nor do I recollect any remarkable in England. Among the ancients the most perfect specimens are perhaps to be found in Livy, Sallust and Tacitus. Their pith and brevity constitute perfection itself for an audience of sages, on whom froth and fancy would be lost in air. But in ordinary cases, and with us particularly, more development is necessary. For senatorial eloquence, Demosthenes is the finest model; for the bar, Cicero. The former had more logic, the latter more imagination.

Of the eloquence of the pen we have fine samples in English. Robertson, Sterne, Addison, are of the first merit in the different characters of composition. Hume, in the circumstance of style is equal to any; but his tory principles spread a cloud over his many and great excellencies. The charms of his style and matter have made tories of all England, and doubtful republicans here.

You say that any advice which I could give you would be acceptable. But, for this, you cannot be in better hands than of the worthy professors of your own college. Their counsels would, I am sure, embrace everything I could offer. It will not, however, be a work of mere supereorgation if it will gratify you, and will furnish a stronger proof of my desire to encourage you in your laudable dispositions. Some thirty-six or thirty-seven years ago, I had a nephew, the late Peter Carr, whose education I directed, and had much at heart his future fortunes. Residing abroad at the time in public service, my counsels to him were necessarily communicated by letters. Searching among my papers I find a letter written to him, and conveying such advice as I thought suitable to the particular period of his age and education. He was then about fifteen, and had made some progress in classical reading. As your present situation may be somewhat

similar, you may find in that letter some things worth remembering. I enclose you a copy therefore. It was written in haste, under the pressure of official labors, and with no view of being ever seen but by himself. It might otherwise have been made more correct in style and matter. But such as it is, I place it at your service, and pray you to receive it merely as a compliance with your own request, and as a proof of my good will and of my best wishes for your success in the career of life for which you are so worthily and laudably preparing yourselves.

TO MR. EDWARD EVERETT, OF CAMBRIDGE, MASSACHUSETTS.

MONTICELLO, March 2, 1822.

I am thankful to you, Sir, for the very edifying view of Europe which you have been so kind as to send me. Tossed at random by the newspapers on an ocean of uncertainties and falsehoods, it is joyful at times to catch the glimmering of a beacon which shows us truly where we are. De Pradt's Europe had some effect in this way; but the less as the author was less known in character. The views presented by your brother unite our confidence with the soundness of his observation and information. I have read the work with great avidity and profit, and have found my ideas of Europe in general, rallied by it to points of good satisfaction. In the single chapter on England only, where his theories are new, if we cannot suddenly give up all our old notions, he furnishes us abundant matter for reflection and a revisal of them. I have long considered the present crisis of England, and the origin of the evils which are lowering over her, as produced by enormous excess of her expenditures beyond her income. To pay even the interest of the debt contracted, she is obliged to take from the industrious so much of their earnings, as not to leave enough for their backs and bellies They are daily, therefore, passing over to the pauper-list, to subsist on the declining means of those still holding up, and when these also shall be exhausted, what next? Reformation cannot remedy

this. It could only prevent its recurrence when once relieved from the debt. To effect that relief I see but one possible and just course. Considering the funded and real property as equal, and the debt as much of the one as the other, for the holder of property to give up one-half to those of the funds, and the latter to the nation the whole of what it owes them. But this the nature of man forbids us to expect without blows, and blows will decide it by a promiscuous sacrifice of life and property. The debt thus, or otherwise, extinguished, a *real* representation introduced into the government of either property or people, or of both, renouncing eternal war, restraining future expenses to future income, and breaking up forever the consuming circle of extravagance, debt, insolvency, and revolution, the island would then again be in the degree of force which nature has measured out to it, of respectable station in the scale of nations, but not at their head. I sincerely wish she could peaceably get into this state of being, as the present prospects of southern Europe seem to need the acquisition of new weights in their balance, rather than the loss of old ones. I set additional value on this volume, inasmuch as it has procured me the occasion of expressing to you my high estimation of your character, the interest with which I look to it as an American, and the great esteem and respect with which I beg leave to salute you.

TO JEDEDIAH MORSE.

MONTICELLO, March 6, 1822.

SIR,—I have duly received your letter of February the 16th, and have now to express my sense of the honorable station proposed to my ex-brethren and myself, in the constitution of the society for the civilization and improvement of the Indian tribes. The object too expressed, as that of the association, is one which I have ever had much at heart, and never omitted an occasion of promoting while I have been in situations to do it with effect, and nothing, even now, in the calm of age and retirement, would

excite in me a more lively interest than an approvable plan of raising that respectable and unfortunate people from the state of physical and moral abjection, to which they have been reduced by circumstances foreign to them. That the plan now proposed is entitled to unmixed approbation, I am not prepared to say, after mature consideration, and with all the partialities which its professed object would rightfully claim from me.

I shall not undertake to draw the line of demarcation between private associations of laudable views and unimposing numbers, and those whose magnitude may rivalize and jeopardize the march of regular government. Yet such a line does exist. I have seen the days, they were those which preceded the revolution, when even this last and perilous engine became necessary; but they were days which no man would wish to see a second time. That was the case where the regular authorities of the government had combined against the rights of the people, and no means of correction remained to them but to organize a collateral power, which, with their support, might rescue and secure their violated rights. But such is not the case with our government. We need hazard no collateral power, which, by a change of its original views, and assumption of others we know not how virtuous or how mischievous, would be ready organized and in force sufficient to shake the established foundations of society, and endanger its peace and the principles on which it is based. Is not the machine now proposed of this gigantic stature? It is to consist of the ex-Presidents of the United States, the Vice President, the Heads of all the executive departments, the members of the supreme judiciary, the Governors of the several States and territories, all the members of both Houses of Congress, all the general officers of the army, the commissioners of the navy, all Presidents and Professors of colleges and theological seminaries, all the clergy of the United States, the Presidents and Secretaries of all associations having relation to Indians, all commanding officers within or near Indian territories, all Indian superintendents and agents; all these *ex officio;* and as many private individuals as will pay a certain price for membership. Ob-

serve, too, that the clergy will constitute* nineteen twentieths of this association, and, by the law of the majority, may command the twentieth part, which, composed of all the high authorities of the United States, civil and military, may be outvoted and wielded by the nineteen parts with uncontrollable power, both as to purpose and process. Can this formidable array be reviewed without dismay? It will be said, that in this association will be all the confidential officers of the government; the choice of the people themselves. No man on earth has more implicit confidence than myself in the integrity and discretion of this chosen band of servants. But is confidence or discretion, or is *strict limit*, the principle of our constitution? It will comprehend, indeed, all the functionaries of the government; but seceded from their constitutional stations as guardians of the nation, and acting not by the laws of their station, but by those of a voluntary society, having no limit to their purposes but the same will which constitutes their existence. It will be the authorities of the people and all influential characters from among them, arrayed on one side, and on the other, the people themselves deserted by their leaders. It is a fearful array. It will be said that these are imaginary fears. I know they are so at present. I know it is as impossible for these agents of our choice and unbounded confidence, to harbor machinations against the adored principles of our constitution, as for gravity to change its direction, and gravid bodies to mount upwards. The fears are indeed imaginary, but the example is *real*. Under its authority, as a precedent, future associations will arise with objects at which we should shudder at this time. The society of Jacobins, in another country, was instituted on principles and views as virtuous as ever kindled the hearts of patriots. It was the pure patriotism of their purposes which extended their association to the limits of the nation, and rendered their power within it boundless; and it was this power which degenerated their principles and practices to such enor-

* The clergy of the United States may probably be estimated at eight thousand. The residue of this society at four hundred; but if the former number be halved, the reasoning will be the same.

mities as never before could have been imagined. Yet these were men, and we and our descendants will be no more. The present is a case where, if ever, we are to guard against ourselves; not against ourselves as we are, but as we may be; for who can now imagine what we may become under circumstances not now imaginable? The object of this institution, seems to require so hazardous an example as little as any which could be proposed. The government is, at this time, going on with the process of civilizing the Indians, on a plan probably as promising as any one of us is able to devise, and with resources more competent than we could expect to command by voluntary taxation. Is it that the new characters called into association with those of the government, are wiser than these? Is it that a plan originated by a meeting of private individuals is better than that prepared by the concentrated wisdom of the nation, of men not self-chosen, but clothed with the full confidence of the people? Is it that there is no danger that a new authority, marching, independently, along side of the government, in the same line and to the same object, may not produce collision, may not thwart and obstruct the operations of the government, or wrest the object entirely from their hands? Might we not as well appoint a committee for each department of the government, to counsel and direct its head separately, as volunteer ourselves to counsel and direct the whole, in mass? And might we not do it as well for their foreign, their fiscal, and their military, as for their Indian affairs? And how many societies, auxiliary to the government, may we expect to see spring up, in imitation of this, offering to associate themselves in this and that of its functions? In a word, why not take the government out of its constitutional hands, associate them indeed with us, to preserve a semblance that the acts are theirs, but insuring them to be our own by allowing them a minor vote only.

These considerations have impressed my mind with a force so irresistible, that (in duty bound to answer your polite letter, without which I should not have obtruded an opinion) I have not been able to withhold the expression of them. Not know-

ing the individuals who have proposed this plan, I cannot be conceived as entertaining personal disrespect for them. On the contrary, I see in the printed list persons for whom I cherish sentiments of sincere friendship, and others, for whose opinions and purity of purpose I have the highest respect. Yet thinking as I do, that this association is unnecessary; that the government is proceeding to the same object under control of the law; that they are competent to it in wisdom, in means, and inclination; that this association, this wheel within a wheel, is more likely to produce collision than aid; and that it is, in its magnitude, of dangerous example; I am bound to say, that, as a dutiful citizen, I cannot in conscience become a member of this society, possessing as it does my entire confidence in the integrity of its views. I feel with awe the weight of opinion to which I may be opposed, and that, for myself, I have need to ask the indulgence of a belief that the opinion I have given is the best result I can deduce from my own reason and experience, and that it is sincerely conscientious. Repeating, therefore, my just acknowledgments for the honor proposed to me, I beg leave to add the assurances to the society and yourself of my highest confidence and consideration.

TO GENERAL BRECKENRIDGE.

MONTICELLO, April 9, 1822.

DEAR GENERAL,—Your favor of March 28th was received on the 7th instant. We failed in having a quorum on the 1st. Mr. Johnson and General Taylor were laboring for Lithgow in Richmond, and Mr. Madison was unwell. On the score of business it was immaterial, as there was not a single measure to be proposed. The loss was of the gratification of meeting in society with those whom we esteem. This is the valuable effect of our semi-annual meetings, jubilees, in fact, for feasting the mind and fostering the best affections of the heart towards those who merit them.

The four rows of buildings of accommodation are so nearly

completed, that they are certain of being entirely so in the course of the summer; and our funds, as you have seen stated in our last Report, are sufficient to meet the expense, except that the delays in collecting the arrears of subscriptions oblige us to borrow temporarily from this year's annuity, which, according to that Report, had another destination. These buildings done, we are to rest on our oars, and passively await the will of the legislature. Our future course is a plain one. We have proceeded from the beginning on the sound determination to finish the buildings before opening the institution; because, once opened, all its funds will be absorbed by professors' salaries, &c., and nothing remain ever to finish the buildings. And we have thought it better to begin two or three years later, in the full extent proposed, than to open, and go on forever, with a half-way establishment. Of the wisdom of this proceeding, and of its greater good to the public finally, I cannot a moment doubt. Our part then is to pursue with steadiness what is right, turning neither to right nor left for the intrigues or popular delusions of the day, assured that the public approbation will in the end be with us. The councils of the legislature, at their late session, were poisoned unfortunately by the question of the seat of government, and the consequent jealousies of our views in erecting the large building still wanting. This lost us some friends who feel a sincere interest in favor of the University, but a stronger one in the question respecting the seat of government. They seem not to have considered that the seat of the government, and that of the University, are incompatible with one another; that if the former were to come here, the latter must be removed. Even Oxford and Cambridge placed in the middle of London, they would be deserted as seats of learning, and as proper places for training youth. These groundless jealousies, it is to be hoped, will be dissipated by sober reflection, during the separation of the members; and they will perceive, before their next meeting, that the large building, without which the institution cannot proceed, has nothing to do with the question of the seat of government. If, however, the ensuing session should still refuse their patron-

age, a second or a third will think better, and result finally in fulfilling the object of our aim, the securing to our country a full and perpetual institution for all the useful sciences; one which will restore us to our former station in the confederacy. It may be a year or two later indeed; but it will replace us in full grade, and not leave us among the mere subalterns of the league. Patience and steady perseverance on our part will secure the blessed end. If we shrink, it is gone forever. Our autumnal meeting will be interesting. The question will be whether we shall relinquish the scale of a real University, the rallying centre of the South and the West, or let it sink to that of a common academy. I hope you will be with us, and give us the benefit of your firm and enlarged views. I am not at all disheartened with what has passed, nor disposed to give up the ship. We have only to lie still, to do and say nothing, and firmly avoid opening. The public opinion is advancing. It is coming to our aid, and will force the institution on to consummation. The numbers are great, and many from great distances, who visit it daily as an object of curiosity. They become strengthened if friends, converted if enemies, and all loud and zealous advocates, and will shortly give full tone to the public voice. Our motto should be "be not wearied with well-doing." Accept the assurance of my affectionate friendship and respect.

TO MESSRS. RITCHIE AND GOOCH.

MONTICELLO, May 13, 1822.

MESSRS. RITCHIE AND GOOCH,—I am thankful to you for the paper you have been so kind as to send me, containing the arraignment of the Presidents of the United States generally, as peculators or accessories to peculation, by an informer who masks himself under the signature of "a Native Virginian." What relates to myself in this paper, (being his No. VI., and the only No. I have seen) I had before read in the "Federal Republican" of Baltimore, of August 28th, which was sent to me by a

friend, with the real name of the author. It was published there during the ferment of a warmly-contested election. I considered it, therefore, as an electioneering manœuvre merely, and did not even think it required the trouble of recollecting, after a lapse of thirty-three years, the circumstances of the case in which he charges me with having purloined from the treasury of the United States the sum of $1,148. But as he has thought it worth repeating in his Roll of informations against your Presidents nominally, I shall give the truths of the case, which he has omitted, perhaps because he did not know them, and ventured too inconsiderately to supply them from his own conjectures.

On the return from my mission to France, and joining the government here, in the spring of 1790, I had a long and heavy account to settle with the United States, of the administration of their pecuniary affairs in Europe, of which the superintendence had been confided to me while there. I gave in my account early, but the pressure of other business did not permit the accounting officers to attend to it till October 10th, 1792, when we settled, and a balance of $888 67 appearing to be due from me, (but erroneously as will be shown,) I paid the money the same day, delivered up my vouchers, and received a certificate of it. But still the articles of my draughts on the bankers could be only *provisionally* past; until their accounts also should be received to be confronted with mine. And it was not till the 24th of June, 1804, that I received a letter from Mr. Richard Harrison the auditor, informing me "that my accounts, as Minister to France, had been adjusted and closed," adding, "the bill drawn and credited by you under date of the 21st of October, 1789, for banco florins 2,800, having never yet appeared in any account of the Dutch bankers, stand at your debit only as a *provisional* charge. If it should hereafter turn out, as I incline to think it will, that this bill has never been negotiated or used by Mr. Grand, you will have a just claim on the public for its value." This was the first intimation to me that I had too hastily charged myself with that draught. I determined, however, as I had allowed it in my account, and paid up the balance

it had produced against me, to let it remain awhile, as there was a possibility that the draught might still be presented by the holder to the bankers; and so it remained till I was near leaving Washington, on my final retirement from the administration in 1809. I then received from the auditor, Mr. Harrison, the following note: "Mr. Jefferson, in his accounts as late Minister to France, credited among other sums, a bill drawn by him on the 21st October, 1789, to the order of Grand & Co., on the bankers of the United States at Amsterdam, f. Banco f. 2,800, equal with *agio* to current florins 2,870, and which was charged to him *provisionally* in the official statement made at the Treasury, in the month of October, 1804. But as this bill has not yet been noticed in any account rendered by the bankers, the presumption is strong that it was never negotiated or presented for payment, and Mr. Jefferson, therefore, appears justly entitled to receive the value of it, which, at forty cents the gilder, (the rate at which it was estimated in the above-mentioned statement,) amounts to $1,148. Auditor's office, January 24th, 1809."

Desirous of leaving nothing unsettled behind me, I drew the money from the treasury, but without any interest, although I had let it lie there twenty years, and had actually on that error paid $888 67, an apparent balance against me, when the true balance was in my favor $259 33. The question then is, how has this happened? I have examined minutely and can state it clearly.

Turning to my pocket diary I find that on the 21st day of October, 1789, the date of this bill, I was at Cowes in England, on my return to the United States. The entry in my diary is in these words: "1789, October 21st. Sent to Grand & Co., letter of credit on Willinks, Van Staphorsts and Hubbard, for 2,800 florins Banco." And I immediately credited it in my account with the United States in the following words: "1789, October 21. By my bill on Willinks, Van Staphorsts and Hubbard, in favor of Grand & Co., for 2,800 florins, equal to 6,250 livres 18 sous." My account having been kept in livres and sous of France, the auditor settled this sum at the current exchange, making it

$1,148. This bill, drawn at Cowes in England, had to pass through London to Paris by the English and French mails, in which passage it was lost, by some unknown accident, to which it was the more exposed in the French mail, by the confusion then prevailing; for it was exactly at the time that martial law was proclaimed at Paris, the country all up in arms, and executions by the mobs were daily perpetrating through town and country. However this may have been, the bill never got to the hands of Grand & Co., was never, of course, forwarded by them to the bankers of Amsterdam, nor anything more ever heard of it. The auditor's first conjecture then was the true one, that it never was negotiated, nor therefore charged to the United States in any of the bankers' accounts. I have now under my eye a duplicate furnished me by Grand of his account of that date against the United States, and his private account against myself, and I affirm that he has not noticed this bill in either of these accounts, and the auditor assures us the Dutch bankers had never charged it. The sum of the whole then is, that I drew a bill on the United States bankers, charged myself with it on the presumption it would be paid, that it never was paid however, either by the bankers of the United States, or anybody else. It was surely just then to return me the money I had paid for it. Yet "the Native Virginian" thinks that this act of receiving back the money I had thus through error overpaid, "*was a palpable and manifest act of moral turpitude, about which no two honest, impartial men can possibly differ.*" I ascribe these hard expressions to the ardor of his zeal for the public good, and as they contain neither argument nor proof, I pass them over without observation. Indeed, I have not been in the habit of noticing these morbid ejections of spleen either with or without the names of those venting them. But I have thought it a duty on the present occasion to relieve my fellow citizens and my country from the degradation in the eyes of the world to which this informer is endeavoring to reduce it by representing it as governed hitherto by a succession of swindlers and peculators. Nor shall I notice any further endeavors to prove or to palliate this

palpable misinformation. I am too old and inert to undertake minute investigations of intricate transactions of the last century; and I am not afraid to trust to the justice and good sense of my fellow-citizens on future, as on former attempts to lessen me in their esteem.

I ask of you, gentlemen, the insertion of this letter in your paper; and I trust that the printers who have hazarded the publication of the libel, on anonymous authority, will think that of the answer a moderate retribution of the wrong to which they have been accessory.

TO JOHN ADAMS.

MONTICELLO, June 1, 1822.

It is very long, my dear Sir, since I have written to you. My dislocated wrist is now become so stiff that I write slow and with pain, and therefore write as little as I can. Yet it is due to mutual friendship to ask once in awhile how we do? The papers tell us that General Starke is off at the age of 93. Charles Thomson still lives at about the same age, cheerful, slender as a grasshopper, and so much without memory that he scarcely recognizes the members of his household. An intimate friend of his called on him not long since; it was difficult to make him recollect who he was, and, sitting one hour, he told him the same story four times over. Is this life?

> "With lab'ring step
> To tread our former footsteps? pace the round
> Eternal?—to beat and beat
> The beaten track? to see what we have seen,
> To taste the tasted? o'er our palates to decant
> Another vintage?"

It is at most but the life of a cabbage; surely not worth a wish. When all our faculties have left, or are leaving us, one by one, sight, hearing, memory, every avenue of pleasing sensation is closed, and athumy, debility and malaise left in their places, when

friends of our youth are all gone, and a generation is risen around us whom we know not, is death an evil?

When one by one our ties are torn,
And friend from friend is snatched forlorn,
When man is left alone to mourn,
  Oh! then how sweet it is to die!
When trembling limbs refuse their weight,
And films slow gathering dim the sight,
When clouds obscure the mental light
  'Tis nature's kindest boon to die!

I really think so. I have ever dreaded a doting old age; and my health has been generally so good, and is now so good, that I dread it still. The rapid decline of my strength during the last winter has made me hope sometimes that I see land. During summer I enjoy its temperature, but I shudder at the approach of winter, and wish I could sleep through it with the Dormouse, and only wake with him in spring, if ever. They say that Starke could walk about his room. I am told you walk well and firmly. I can only reach my garden, and that with sensible fatigue. I ride, however, daily. But reading is my delight. I should wish never to put pen to paper; and the more because of the treacherous practice some people have of publishing one's letters without leave. Lord Mansfield declared it a breach of trust, and punishable at law. I think it should be a penitentiary felony; yet you will have seen that they have drawn me out into the arena of the newspapers; although I know it is too late for me to buckle on the armor of youth, yet my indignation would not permit me passively to receive the kick of an ass.

To turn to the news of the day, it seems that the Cannibals of Europe are going to eating one another again. A war between Russia and Turkey is like the battle of the kite and snake. Whichever destroys the other, leaves a destroyer the less for the world. This pugnacious humor of mankind seems to be the law of his nature, one of the obstacles to too great multiplication provided in the mechanism of the Universe. The cocks of the henyard kill one another up. Bears, bulls, rams, do

the same. And the horse, in his wild state, kills all the young males, until worn down with age and war, some vigorous youth kills him, and takes to himself the Harem of females. I hope we shall prove how much happier for man the Quaker policy is, and that the life of the feeder, is better than that of the fighter; and it is some consolation that the desolation by these maniacs of one part of the earth is the means of improving it in other parts. Let the latter be our office, and let us milk the cow, while the Russian holds her by the horns, and the Turk by the tail. God bless you, and give you health, strength, and good spirits, and as much of life as you think worth having.

TO REV. MR. WHITTEMORE.

MONTICELLO, June 5, 1822.

I thank you, Sir, for the pamphlets you have been so kind as to send me, and am happy to learn that the doctrine of Jesus that there is but one God, is advancing prosperously among our fellow citizens. Had his doctrines, pure as they came from himself, been never sophisticated for unworthy purposes, the whole civilized world would at this day have formed but a single sect. You ask my opinion on the items of doctrine in your catechism. I have never permitted myself to meditate a specified creed. These formulas have been the bane and ruin of the Christian church, its own fatal invention, which, through so many ages, made of Christendom a slaughter-house, and at this day divides it into casts of inextinguishable hatred to one another. Witness the present internecine rage of all other sects against the Unitarian. The religions of antiquity had no particular formulas of creed. Those of the modern world none, except those of the religionists calling themselves Christians, and even among these the Quakers have none. And hence, alone, the harmony, the quiet, the brotherly affections, the exemplary and unschismatising society of the Friends, and I hope the Unitarians, will follow their happy example. With these sentiments of the mischiefs of

creeds and confessions of faith, I am sure you will excuse my not giving opinions on the items of any particular one; and that you will accept, at the same time, the assurance of the high respect and consideration which I bear to its author.

TO MESSRS. RITCHIE AND GOOCH.

MONTICELLO, June 10, 1822.

MESSRS. RITCHIE AND GOOCH,—In my letter to you of May 13th, in answer to a charge by a person signing himself "A Native Virginian," that on a bill drawn by me for a sum equivalent to $1,148, the treasury of the United States had made *double payment*, I supposed I had done as much as would be required when I showed they had only returned to me money which I had previously paid into the treasury on the presumption that such a bill had been paid for me, but that this bill being lost or destroyed on the way, had never been presented, consequently never paid by the United States, and that the money was therefore returned to me. This being too plain for controversy, the pseudo Native of Virginia, in his reply, No. 32, in the Federal Republican of May 24th, reduces himself ultimately to the ground of a *double receipt* of the money by me, first on sale or negotiation of the bill in Europe, and a second time from the treasury. But the bill was never sold or negotiated anywhere. It was not drawn to raise money in the market. I sold it to nobody, received no money on it, but enclosed it to Grand & Co. for some purpose of account, for what particular purpose neither my memory, after a lapse of thirty-three years, nor my papers enable me to say. Had I preserved a copy of my letter to Grand enclosing the bill, that would doubtless have explained the purpose. But it was drawn on the eve of my embarkation with my family from Cowes for America, and probably the hurry of preparation for that did not allow me time to take a copy. I presume this because I find no such letter among my papers. Nor does any subsequent correspondence with Grand explain it, because I had no

private account with him; my account as minister being kept with the treasury directly, so that he, receiving no intimation of this bill, could never give me notice of its miscarriage. But, however satisfactory might have been an explanation of the purpose of the bill, it is unnecessary at least; the material fact being established that it never got to hand, nor was ever paid by the United States.

And how does the Native Virginian maintain his charge that I received the cash when I drew the bill? by unceremoniously inserting into the entry of that article in my account, words of his own, making me say in direct terms that I did receive the cash for the bill. In my account rendered to the treasury, it is entered in these words: "1789, Oct. 1. By my bill on Willincks, Van Staphorsts & Hubbard in favor of Grand & Co. for 2,800 florins, equal to 6,230 livres 18 sous;" but he quotes it as stated in my account rendered to and settled at the treasury, and yet remaining, as it is to be presumed, among the archives of that department, "*By cash received of Grand* for bill on Willincks, &c." Now the words "*cash received of Grand*" constitute "the very point, the pivot, on which the matter turns," as himself says, and not finding, he has furnished them. Although the interpolation of them is sufficiently refuted by the fact that Grand was, at the time, in France, and myself in England, yet wishing that conviction of the interpolation should be founded on official document, I wrote to the auditor, Mr. Harrison, requesting an official certificate of the *very words* in which that article stood in my autograph account deposited in the office. I received yesterday his answer of the 3d, in which he says, "I am unable to furnish the extract you require, as the original account rendered by you of your pecuniary transactions of a public nature in Europe, together with the vouchers and documents connected with it, were all destroyed in the Register's office in the memorable conflagration of 1814. With respect, therefore, to the sum of $1,148 in question, I can only say that, after full and repeated examinations, I considered you as most righteously and justly entitled to receive it. Otherwise, it will, I trust, be believed that

I could not have consented to the re-payment." Considering the intimacy which the Native Virginian shows with the treasury affairs, we might be justified in suspecting that he knew this fact of the destruction of the original by fire when he ventured to misquote. But certainly we may call on him to say, and to show, from what original he copied these words: "cash received from Grand"? I say, most assuredly, from none, for none such ever existed. Although the original be lost, which would have convicted him officially, it happens that when I made from my rough draft a fair copy of my account for the treasury, I took also, with a copying-machine, a press-copy of every page, which I kept for my own use. It is known that copies by this well-known machine are taken by impression on damp paper laid on the face of the written page while fresh, and passed between rollers as copper plates are. They must therefore be true *fac similies*. This press-copy now lies before me, has been shown to several persons, and will be shown to as many as wish or are willing to examine it; and this article of my account is entered in it in these words: "1789, Oct. 1. By my bill on Willincks, Van Staphorsts & Hubbard for 2,800 florins, equal to 6,230 livres 18 sous." An inspection of the account, too, shows that whenever I received *cash* for a bill, it is uniformly entered "by cash received of such an one, &c.;" but where a bill was drawn to constitute an item of account only, the entry is "by my bill on, &c." Now to these very words "cash received of Grand," not in my original but interpolated by himself, he constantly appeals as proofs of an acknowledgment *under my own hand* that *I received the cash*. In proof of this, I must request patience to read the following quotations from his denunciations as standing in the Federal Republican of May 24:

Page 2, column 2, l. 48 to 29 from the bottom, "he [Mr. J.] admits in his account rendered in 1790 and settled in 1792, that he had *received the 'cash,'* [placing the word *cash* between inverted commas to have it marked particularly as a quotation] that he had *received the 'cash'* for the bill in question, and he does not directly deny it now. Will he, can he, in the *face of*

his own declaration in writing to the contrary, publicly say that he did not receive the money for this bill in Europe? This is *the point* on which the whole matter rests, the *pivot* on which the arguments turn. If he did receive the money in Europe, (no matter whether at Cowes or at Paris,) he certainly had no right to receive it a second time from the public treasury of the United States. This is admitted I believe on all sides. Now, *that he did receive the money in Europe* on this bill, is proved by the *acknowledgment of the receiver himself*, who credits the amount in his account as settled at the treasury thus: "*cash received of Grand* for bill on Willincks, Van Staphorsts, 2,876 gilders, 1,148 dollars.

Col. 3, l. 28 to 21 from bottom. There is a plain difference in the phraseology of the account, from which an extract is given by Mr. J. as above, and that *which he rendered to the Treasury*. In the former he gives the credit thus, "By my bills on Willincks," &c. In the latter he states, "By *cash received of Grand* for bill on Willincks, &c." There is a difference, indeed, as he states it, but it is made solely by his own interpolation.

Col. 3, l. 8, from bottom. "That Mr. Jefferson should, in the very teeth of the facts of the evidence before us, and in his own breast, gravely say that he had paid the money for this bill, and that therefore it was but just to return him the amount of it, when he had, *by his own acknowledgment*, sent it to Grand & Co., and *received the money for it*, is, I confess, not only matter of utter astonishment but regret." I spare myself the qualifications which these paragraphs may merit, leaving them to be applied by every reader according to the feelings they may excite in his own breast.

He proceeds: "And now to place this case beyond the reach of cavil or doubt, and to show *most conclusively* that he had negotiated this bill in Europe, and *received the cash* for it there, and that such was the understanding of the matter at the treasury in 1809, when he received the money." These are his own words. Col. 4, he brings forward the overwhelming fact "not hitherto made public but stated from the most creditable and au-

thentic source, that one of the accounting officers of the treasury suggested in writing the propriety of taking bond and security from Mr. J., for indemnification of the United States against any future claim on this bill. But it seems the bond was not taken, and the government is now liable in law, and in good faith for the payment of this bill to the rightful owner." How this suggestion of taking bond at the treasury, so solemnly paraded, is *more conclusive* proof than his own interpolation, that the *cash was received*, I am so dull as not to perceive; but I say, that had the suggestion been made to me, it would have been instantly complied with. But I deny his law. Were the bill now to be presented to the treasury, the answer would and should be the same as a merchant would give: "You have held up this bill three and thirty years without notice; we have settled in the meantime with the drawer, and have no effects of his left in our hands. Apply to him for payment." On his application to me, I should first inquire into the history of the bill; where it had been lurking for three and thirty years? how came he by it? by interception? by trover? by assignment from Grand? by purchase? from whom, when and where? And according to his answers I should either institute criminal process against him, or if he showed that all was fair and honest, I should pay him the money, and look for reimbursement to the quarter appearing liable. The law deems seven years' absence of a man, without being heard of, such presumptive evidence of his death, as to distribute his estate, and to allow his wife to marry again. The Auditor thought that twenty years non-appearance of a bill which had been risked through the post-offices of two nations, was sufficient presumption of its loss. But this self-styled native of Virginia thinks that the thirty-three years now elapsed are not sufficient. Be it so. If the accounting officers of the treasury have any uneasiness on that subject, I am ready to give a bond of indemnification to the United States in any sum the officers will name, and with the security which themselves shall approve. Will this satisfy the native Virginian? or will he now try to pick some other hole in this transaction, to shield

himself from a candid acknowledgment, that in making up his case, he supplied by gratuitous conjectures, the facts which were not within his knowledge, and that thus he has sinned against truth in his declarations before the public? Be this as it may, I have so much confidence in the discernment and candor of my fellow-citizens, as to leave to their judgment, and dismiss from my own notice any future torture of words or circumstances which this writer may devise for their deception. Indeed, could such a denunciation, and on such proof, bereave me of that confidence and consolation, I should, through the remainder of life, brood over the afflicting belief that I had lived and labored in vain.

TO MR. GOODENOW.

MONTICELLO, June 13, 1822

SIR,—I thank you for the volume of American Jurisprudence, which you have been so kind as to send me. I am now too old to read books solidly, unless they promise present amusement or future benefit. To me books of law offer neither. But I read your 6th chapter with interest and satisfaction, on the question whether the common law (of England) makes a part of the laws of our general government? That it makes more or less a part of the laws of the States is, I suppose, an unquestionable fact. Not by *birthright*, a conceit as inexplicable as the trinity, but by adoption. But, as to the general government, the Virginia Report on the alien and sedition laws, has so completely pulverized this pretension that nothing new can be said on it. Still, seeing that judges of the Supreme Court, (I recollect, for example, Elsworth and Story) had been found capable of such paralogism, I was glad to see that the Supreme Court had given it up. In the case of Libel in the United States district Court of Connecticut. the rejection of it was certainly sound; because no law of the general government had made it an offence. But such a case might, I suppose, be sustained in the State Courts which have state laws against libels. Because as to the portions of power

within each State assigned to the general government, the President is as much the Executive of the State, as their particular governor is in relation to State powers. These, however, are speculations with which I no longer trouble myself; and therefore, to my thanks, I will only add assurances of my great respect

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TO DOCTOR BENJAMIN WATERHOUSE.

MONTICELLO, June 26, 1822

DEAR SIR,—I have received and read with thankfulness and pleasure your denunciation of the abuses of tobacco and wine. Yet, however sound in its principles, I expect it will be but a sermon to the wind. You will find it is as difficult to inculcate these sanative precepts on the sensualities of the present day, as to convince an Athanasian that there is but one God. I wish success to both attempts, and am happy to learn from you that the latter, at least, is making progress, and the more rapidly in proportion as our Platonizing Christians make more stir and noise about it. The doctrines of Jesus are simple, and tend all to the happiness of man.

1. That there is one only God, and he all perfect.
2. That there is a future state of rewards and punishments.
3. That to love God with all thy heart and thy neighbor as thyself, is the sum of religion. These are the great points on which he endeavored to reform the religion of the Jews. But compare with these the demoralizing dogmas of Calvin.

1. That there are three Gods.
2. That good works, or the love of our neighbour, are nothing.
3. That faith is every thing, and the more incomprehensible the proposition, the more merit in its faith.
4. That reason in religion is of unlawful use.
5. That God, from the beginning, elected certain individuals to be saved, and certain others to be damned; and that no crimes of the former can damn them; no virtues of the latter save.

Now, which of these is the true and charitable Christian? He

who believes and acts on the simple doctrines of Jesus? Or the impious dogmatists, as Athanasius and Calvin? Verily I say these are the false shepherds foretold as to enter not by the door into the sheepfold, but to climb up some other way. They are mere usurpers of the Christian name, teaching a counter-religion made up of the *deliria* of crazy imaginations, as foreign from Christianity as is that of Mahomet. Their blasphemies have driven thinking men into infidelity, who have too hastily rejected the supposed author himself, with the horrors so falsely imputed to him. Had the doctrines of Jesus been preached always as pure as they came from his lips, the whole civilized world would now have been Christian. I rejoice that in this blessed country of free inquiry and belief, which has surrendered its creed and conscience to neither Kings nor priests, the genuine doctrine of one only God is reviving, and I trust that there is not a *young man* now living in the United States who will not die an Unitarian.

But much I fear, that when this great truth shall be re-established, its votaries will fall into the fatal error of fabricating formulas of creed and confessions of faith, the engines which so soon destroyed the religion of Jesus, and made of Christendom a mere Aceldama; that they will give up morals for mysteries, and Jesus for Plato. How much wiser are the Quakers, who, agreeing in the fundamental doctrines of the gospel, schismatize about no mysteries, and, keeping within the pale of common sense, suffer no speculative differences of opinion, any more than of feature, to impair the love of their brethren. Be this the wisdom of Unitarians, this the holy mantle which shall cover within its charitable circumference all who believe in one God, and who love their neighbor! I conclude my sermon with sincere assurances of my friendly esteem and respect.

TO JOHN ADAMS.

MONTICELLO, June 27, 1822.

DEAR SIR,—Your kind letter of the 11th has given me great satisfaction. For although I could not doubt but that the hand of age was pressing heavily on you, as on myself, yet we like to know the particulars and the degree of that pressure. Much reflection too, has been produced by your suggestion of lending my letter of the 1st, to a printer. I have generally great aversion to the insertion of my letters in the public papers; because of my passion for quiet retirement, and never to be exhibited in scenes on the public stage. Nor am I unmindful of the precept of Horace, "*solvere senescentem, mature sanus equum, ne peccet ad extremum ridendus.*" In the present case, however, I see a possibility that this might aid in producing the very quiet after which I pant. I do not know how far you may suffer, as I do, under the persecution of letters, of which every mail brings a fresh load. They are letters of inquiry, for the most part, always of good will, sometimes from friends whom I esteem, but much oftener from persons whose names are unknown to me, but written kindly and civilly, and to which, therefore, civility requires answers. Perhaps, the better known failure of your hand in its function of writing, may shield you in greater degree from this distress, and so far qualify the misfortune of its disability. I happened to turn to my letter-list some time ago, and a curiosity was excited to count those received in a single year. It was the year before the last. I found the number to be one thousand two hundred and sixty-seven, many of them requiring answers of elaborate research, and all to be answered with due attention and consideration. Take an average of this number for a week or a day, and I will repeat the question suggested by other considerations in mine of the 1st. Is this life? At best it is but the life of a mill-horse, who sees no end to his circle but in death. To such a life, that of a cabbage is paradise. It occurs then, that my condition of existence, truly stated in that letter, if better known, might check the kind indiscretions which

are so heavily oppressing the departing hours of life. Such a relief would, to me, be an ineffable blessing. But yours of the 11th, equally interesting and affecting, should accompany that to which it is an answer. The two, taken together, would excite a joint interest, and place before our fellow-citizens the present condition of two ancient servants, who having faithfully performed their forty or fifty campaigns, *stipendiis omnibus expletis*, have a reasonable claim to repose from all disturbance in the sanctuary of invalids and superannuates. But some device should be thought of for their getting before the public otherwise than by our own publication. Your printer, perhaps, could frame something plausible. *******'s name should be left blank, as his picture, should it meet his eye, might give him pain. I consign, however, the whole subject to your consideration, to do in it whatever your own judgment shall approve, and repeat always, with truth, the assurance of my constant and affectionate friendship and respect.

TO WILLIAM T. BARRY.

MONTICELLO, July 2, 1822.

SIR,—Your favor of the 15th of June is received, and I am very thankful for the kindness of its expressions respecting myself. But it ascribes to me merits which I do not claim. I was only of a band devoted to the cause of independence, all of whom exerted equally their best endeavors for its success, and have a common right to the merits of its acquisition. So also is the civil revolution of 1801. Very many and very meritorious were the worthy patriots who assisted in bringing back our government to its republican tack. To preserve it in that, will require unremitting vigilance. Whether the surrender of our opponents, their reception into our camp, their assumption of our name, and apparent accession to our objects, may strengthen or weaken the genuine principles of republicanism, may be a good or an evil, is yet to be seen. I consider the party division of whig and tory

the most wholesome which can exist in any government, and well worthy of being nourished, to keep out those of a more dangerous character. We already see the power, installed for life, responsible to no authority, (for impeachment is not even a scarecrow,) advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions, for the annihilation of constitutional State rights, and the removal of every check, every counterpoise to the ingulphing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointments of judges be for four or six years, and renewable by the President and Senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point, by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative Houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency.

To the printed inquiries respecting our schools, it is not in my power to give an answer. Age, debility, an ancient dislocated, and now stiffened wrist, render writing so slow and painful, that I am obliged to decline everything possible requiring writing. An act of our legislature will inform you of our plan of primary schools, and the annual reports show that it is becoming completely abortive, and must be abandoned very shortly, after costing us to this day one hundred and eighty thousand dollars, and

yet to cost us forty-five thousand dollars a year more until it shall be discontinued; and if a single boy has received the elements of common education, it must be in some part of the country not known to me. Experience has but too fully confirmed the early predictions of its fate. But on this subject I must refer you to others more able than I am to go into the necessary details; and I conclude with the assurances of my great esteem and respect.

TO DOCTOR WATERHOUSE.

MONTICELLO, July 19, 1822.

DEAR SIR,—An anciently dislocated, and now stiffening wrist, makes writing an operation so slow and painful to me, that I should not so soon have troubled you with an acknowledgment of your favor of the 8th, but for the request it contained of my consent to the publication of my letter of June the 26th. No, my dear Sir, not for the world. Into what a nest of hornets would it thrust my head! the *genus irritable vatum*, on whom argument is lost, and reason is, by themselves, disclaimed in matters of religion. Don Quixote undertook to redress the bodily wrongs of the world, but the redressment of mental vagaries would be an enterprise more than Quixotic. I should as soon undertake to bring the crazy skulls of Bedlam to sound understanding, as inculcate reason into that of an Athanasian. I am old, and tranquility is now my *summum bonum*. Keep me, therefore, from the fire and faggots of Calvin and his victim Servetus. Happy in the prospect of a restoration of primitive Christianity, I must leave to younger athletes to encounter and lop off the false branches which have been engrafted into it by the mythologists of the middle and modern ages. I am not aware of the peculiar resistance to Unitarianism, which you ascribe to Pennsylvania. When I lived in Philadelphia, there was a respectable congregation of that sect, with a meeting-house and regular service which I attended, and in which Doctor Priestley

officiated to numerous audiences. Baltimore has one or two churches, and their pastor, author of an inestimable book on this subject, was elected chaplain to the late Congress. That doctrine has not yet been preached to us: but the breeze begins to be felt which precedes the storm; and fanaticism is all in a bustle, shutting its doors and windows to keep it out. But it will come, and drive before it the foggy mists of Platonism which have so long obscured our atmosphere. I am in hopes that some of the disciples of your institution will become missionaries to us, of these doctrines truly evangelical, and open our eyes to what has been so long hidden from them. A bold and eloquent preacher would be nowhere listened to with more freedom than in this State, nor with more firmness of mind. They might need a preparatory discourse on the text of "prove all things, hold fast that which is good," in order to unlearn the lesson that reason is an unlawful guide in religion. They might startle on being first awaked from the dreams of the night, but they would rub their eyes at once, and look the spectres boldly in the face. The preacher might be excluded by our hierophants from their churches and meeting-houses, but would be attended in the fields by whole acres of hearers and thinkers. Missionaries from Cambridge would soon be greeted with more welcome, than from the tritheistical school of Andover. Such are my wishes, such would be my welcomes, warm and cordial as the assurances of my esteem and respect for you.

TO MR. THOMAS SKIDMAN.

MONTICELLO, August 29, 1822.

You must be so good, Sir, as to excuse me from entering into the optical investigation which your letter of the 18th proposes. The hand of age presses heavily on me. I have long withdrawn my mind from speculations of that kind; my memory is on the wane. I am averse even to close thinking, and writing is become slow, laborious and painful. I will make then but a single

suggestion on the subject of your proposition, to show my respect to your request.

To distinct vision it is necessary not only that the visual angle should be sufficient for the powers of the human eye, but that there should be sufficient light also on the object of observation. In microscopic observations, the enlargement of the angle of vision may be more indulged, because auxiliary light may be concentrated on the object by concave mirrors. But in the case of the heavenly bodies, we can have no such aid. The moon, for example, receives from the sun but a fixed quantity of light. In proportion as you magnify her surface, you spread that fixed quantity over a greater space, dilute it more, and render the object more dim. If you increase her magnitude infinitely, you dim her face infinitely also, and she becomes invisible. When under total eclipse, all the direct rays of the sun being intercepted, she is seen but faintly, and would not be seen at all but for the refraction of the solar rays in their passage through our atmosphere. In a night of extreme darkness, a house or a mountain is not seen, as not having light enough to impress the limited sensibility of our eye. I do suppose in fact that Herschel has availed himself of the properties of the parabolic mirror to the point beyond which its effect would be countervailed by the diminution of light on the object. I barely suggest this element, not presented to view in your letter, as one which must enter into the estimate of the improved telescope you propose. You will receive from the professional mathematicians whom you have consulted, remarks more elaborate and profound, and must be so good as to accept mine merely as testimonies of my respect.

TO MR. GEORGE F. HOPKINS.

Monticello, September 5, 1822.

Sir,—Your letter of August —, was received a few days ago. Of all the departments of science no one seems to have been less advanced for the last hundred years than that of meteorology.

The new chemistry indeed has given us a new principle of the generation of rain, by proving water to be a composition of different gases, and has aided our theory of meteoric lights. Electricity stands where Dr. Franklin's early discoveries placed it, except with its new modification of galvanism. But the phenomena of snow, hail, halo, aurora borealis, haze, looming, &c., are as yet very imperfectly understood. I am myself an empiric in natural philosophy, suffering my faith to go no further than my facts. I am pleased, however, to see the efforts of hypothetical speculation, because by the collisions of different hypotheses, truth may be elicited and science advanced in the end. This sceptical disposition does not permit me to say whether your hypothesis for looming and the floating volumes of warm air occasionally perceived, may or may not be confirmed by future observations. More facts are yet wanting to furnish a solution on which we may rest with confidence. I even doubt as yet whether the looming at sea and at land are governed by the same laws. In this state of uncertainty, I cannot presume either to advise or discourage the publication of your essay. This must depend on circumstances of which you must be abler to judge yourself, and therefore I return the paper as requested, with assurances of my great respect.

TO MR. CHILES TERRIL.

MONTICELLO, September 25. 1822.

SIR,—I received on the 20th, your letter of the 13th, on the question what is an east and west line? which, you say, has been a subject of discussion in the newspapers. I presume, however, it must have been a mere question of definition, and that the parties have differed only in applying the same appellation to different things. The one defines an east and west line to be on a great circle of the earth, passing through the point of departure, its nadir point, and the centre of the earth, its plane rectangular, to that of the meridian of departure. The other considers an

east and west line to be a line on the surface of the earth, bounding a plane at right-angles with its axis, or a circle of latitude passing through the point of departure, or in other words, a line which, from the point of departure, passes every meridian at a right-angle. Each party, therefore, defining the line he means, may be permitted to call it an east and west one, or at least it becomes no longer a mathematical but a philological question of the meaning of the words east and west. The last is what was meant probably by the east and west line in the treaty of Ghent. The same has been the understanding in running the numerous east and west lines which divide our different States. They have been run by observations of latitude at very short intervals, uniting the points of observation by short direct lines, and thus constituting in fact part of a polygon of very short sides.

But, Sir, I do not pretend to be an arbiter of these learned questions; age has weaned me from such speculations, and rendered me as incompetent as unwilling to puzzle myself with them. Your claim on me as a quondam neighbor has induced me to hazard thus much, not indeed for the newspapers, a vehicle to which I am never willingly committed, but to prove my attention to your wishes, and to convey to you the assurances of my respect.

JOHN ADAMS TO THOMAS JEFFERSON.

MONTEZILLO, October 15, 1822.

DEAR SIR,—I have long entertained scruples about writing this letter, upon a subject of some delicacy. But old age has overcome them at last.

You remember the four ships ordered by Congress to be built, and the four captains appointed by Washington, Talbot, and Truxton, and Barry, &c., to carry an ambassador to Algiers, and protect our commerce in the Mediterranean. I have always imputed this measure to you, for several reasons. First, because you frequently proposed it to me while we were at Paris, negotiating together for peace with the Barbary powers. Secondly,

because I knew that Washington and Hamilton were not only indifferent about a navy, but averse to it. There was no Secretary of the Navy; only four Heads of department. You were Secretary of State; Hamilton, Secretary of the Treasury; Knox, Secretary of War; and I believe Bradford was Attorney General. I have always suspected that you and Knox were in favor of a navy. If Bradford was so, the majority was clear. But Washington, I am confident, was against it in his judgment. But his attachment to Knox, and his deference to your opinion, for I know he had a great regard for you, might induce him to decide in favor of you and Knox, even though Bradford united with Hamilton in opposition to you. That Hamilton was averse to the measure, I have personal evidence; for while it was pending, he came in a hurry and a fit of impatience, to make a visit to me. He said he was likely to be called upon for a large sum of money to build ships of war, to fight the Algerines, and he asked my opinion of the measure. I answered him that I was clearly in favor of it. For I had always been of opinion, from the commencement of the revolution, that a navy was the most powerful, the safest and the cheapest national defence for this country. My advice, therefore, was, that as much of the revenue as could possibly be spared, should be applied to the building and equipping of ships. The conversation was of some length, but it was manifest in his looks and in his air, that he was disgusted at the measure, as well as at the opinion that I had expressed.

Mrs. Knox not long since wrote a letter to Doctor Waterhouse, requesting him to procure a commission for her son, in the navy; that navy, says her ladyship, of which his father was the parent. "For," says she, "I have frequently heard General Washington say to my husband, the navy was your child." I have always believed it to be Jefferson's child, though Knox may have assisted in ushering it into the world. Hamilton's hobby was the army. That Washington was averse to a navy, I had full proof from his own lips, in many different conversations, some of them of length, in which he always insisted that it was only building

and arming ships for the English. "*Si quid novisti rectius istis candidus imperti; si non, his utere mecum.*"

If I am in error in any particular, pray correct your humble servant.

TO MR. CORNELIUS CAMDEN BLATCHLY.

MONTICELLO, October 21, 1822.

SIR,—I return thanks for the pamphlet you have been so kind as to send me on the subject of commonwealths. Its moral principles merit entire approbation, its philanthropy especially, and its views of the equal rights of man. That, on the principle of a communion of property, small societies may exist in habits of virtue, order, industry, and peace, and consequently in a state of as much happiness as heaven has been pleased to deal out to imperfect humanity, I can readily conceive, and indeed, have seen its proofs in various small societies which have been constituted on that principle. But I do not feel authorized to conclude from these that an extended society, like that of the United States, or of an individual State, could be governed happily on the same principle. I look to the diffusion of light and education as the resource most to be relied on for ameliorating the condition, promoting the virtue, and advancing the happiness of man. That every man shall be made virtuous, by any process whatever, is, indeed, no more to be expected, than that every tree shall be made to bear fruit, and every plant nourishment. The brier and bramble can never become the vine and olive; but their asperities may be softened by culture, and their properties improved to usefulness in the order and economy of the world. And I do hope that, in the present spirit of extending to the great mass of mankind the blessings of instruction, I see a prospect of great advancement in the happiness of the human race; and that this may proceed to an indefinite, although not to an infinite degree. Wishing every success to the views of your society which their hopes can promise, and thanking you most particularly for the

kind expressions of your letter towards myself, I salute you with assurances of great esteem and respect.

TO JOHN ADAMS.

MONTICELLO, November 1, 1822.

DEAR SIR,—I have racked my memory and ransacked my papers, to enable myself to answer the inquiries of your favor of October the 15th; but to little purpose. My papers furnish me nothing, my memory, generalities only. I know that while I was in Europe, and anxious about the fate of our seafaring men, for some of whom, then in captivity in Algiers, we were treating, and all were in like danger, I formed, undoubtingly, the opinion that our government, as soon as practicable, should provide a naval force sufficient to keep the Barbary States in order; and on this subject we communicated together, as you observe. When I returned to the United States and took part in the administration under General Washington, I constantly maintained that opinion; and in December, 1790, took advantage of a reference to me from the first Congress which met after I was in office, to report in favor of a force sufficient for the protection of our Mediterranean commerce; and I laid before them an accurate statement of the whole Barbary force, public and private. I think General Washington approved of building vessels of war to that extent. General Knox, I know, did. But what was Colonel Hamilton's opinion, I do not in the least remember. Your recollections on that subject are certainly corroborated by his known anxieties for a close connection with Great Britain, to which he might apprehend danger from collisions between their vessels and ours. Randolph was then Attorney General; but his opinion on the question I also entirely forget. Some vessels of war were accordingly built and sent into the Mediterranean. The additions to these in your time, I need not note to you, who are well known to have ever been an advocate for the wooden walls of Themistocles. Some of those you added, were sold under an act of Congress passed while you were in office. I thought,

afterwards, that the public safety might require some additional vessels of strength, to be prepared and in readiness for the first moment of a war, provided they could be preserved against the decay which is unavoidable if kept in the water, and clear of the expense of officers and men. With this view I proposed that they should be built in dry docks, above the level of the tide waters, and covered with roofs. I further advised, that places for these docks should be selected where there was a command of water on a high level, as that of the Tyber at Washington, by which the vessels might be floated out, on the principle of a lock. But the majority of the legislature was against any addition to the navy, and the minority, although for it in judgment, voted against it on a principle of opposition. We are now, I understand, building vessels to remain on the stocks, under shelter, until wanted, when they will be launched and finished. On my plan they could be in service at an hour's notice. On this, the finishing, after launching, will be a work of time.

This is all I recollect about the origin and progress of our navy. That of the late war, certainly raised our rank and character among nations. Yet a navy is a very expensive engine. It is admitted, that in ten or twelve years a vessel goes to entire decay; or, if kept in repair, costs as much as would build a new one; and that a nation who could count on twelve or fifteen years of peace, would gain by burning its navy and building a new one in time. Its extent, therefore, must be governed by circumstances. Since my proposition for a force adequate to the piracies of the Mediterranean, a similar necessity has arisen in our own seas for considerable addition to that force. Indeed, I wish we could have a convention with the naval powers of Europe, for them to keep down the pirates of the Mediterranean, and the slave ships on the coast of Africa, and for us to perform the same duties for the society of nations in our seas. In this way, those collisions would be avoided between the vessels of war of different nations, which beget wars and constitute the weightiest objection to navies. I salute you with constant affection and respect.

TO DOCTOR COOPER.

MONTICELLO, November 2. 1822.

DEAR SIR,—Your favor of October the 18th came to hand yesterday. The atmosphere of our country is unquestionably charged with a threatening cloud of fanaticism, lighter in some parts, denser in others, but too heavy in all. I had no idea, however, that in Pennsylvania, the cradle of toleration and freedom of religion, it could have arisen to the height you describe. This must be owing to the growth of Presbyterianism. The blasphemy and absurdity of the five points of Calvin, and the impossibility of defending them, render their advocates impatient of reasoning, irritable, and prone to denunciation. In Boston, however, and its neighborhood, Unitarianism has advanced to so great strength, as now to humble this haughtiest of all religious sects; insomuch, that they condescend to interchange with them and the other sects, the civilities of preaching freely and frequently in each others' meeting houses. In Rhode Island, on the other hand, no sectarian preacher will permit an Unitarian to pollute his desk. In our Richmond there is much fanaticism, but chiefly among the women. They have their night meetings and praying parties, where, attended by their priests, and sometimes by a hen-pecked husband, they pour forth the effusions of their love to Jesus, in terms as amatory and carnal, as their modesty would permit them to use to a mere earthly lover. In our village of Charlottesville, there is a good degree of religion, with a small spice only of fanaticism. We have four sects, but without either church or meeting-house. The court-house is the common temple, one Sunday in the month to each. Here, Episcopalian and Presbyterian, Methodist and Baptist, meet together, join in hymning their Maker, listen with attention and devotion to each others' preachers, and all mix in society with perfect harmony. It is not so in the districts where Presbyterianism prevails undividedly. Their ambition and tyranny would tolerate no rival if they had power. Systematical in grasping at an ascendency over all other sects, they aim, like the Jesuits, at engrossing the educa-

tion of the country, are hostile to every institution which they do not direct, and jealous at seeing others begin to attend at all to that object. The diffusion of instruction, to which there is now so growing an attention, will be the remote remedy to this fever of fanaticism; while the more proximate one will be the progress of Unitarianism. That this will, ere long, be the religion of the majority from north to south, I have no doubt.

In our university you know there is no Professorship of Divinity. A handle has been made of this, to disseminate an idea that this is an institution, not merely of no religion, but against all religion. Occasion was taken at the last meeting of the Visitors, to bring forward an idea that might silence this calumny, which weighed on the minds of some honest friends to the institution. In our annual report to the legislature, after stating the constitutional reasons against a public establishment of any religious instruction, we suggest the expediency of encouraging the different religious sects to establish, each for itself, a professorship of their own tenets, on the confines of the university, so near as that their students may attend the lectures there, and have the free use of our library, and every other accommodation we can give them; preserving, however, their independence of us and of each other. This fills the chasm objected to ours, as a defect in an institution professing to give instruction in *all* useful sciences. I think the invitation will be accepted, by some sects from candid intentions, and by others from jealousy and rivalship. And by bringing the sects together, and mixing them with the mass of other students, we shall soften their asperities, liberalize and neutralize their prejudices, and make the general religion a religion of peace, reason, and morality.

The time of opening our university is still as uncertain as ever. All the pavilions, boarding houses, and dormitories are done. Nothing is now wanting but the central building for a library and other general purposes. For this we have no funds, and the last legislature refused all aid. We have better hopes of the next. But all is uncertain. I have heard with regret of disturbances on the part of the students in your seminary. The

article of discipline is the most difficult in American education. Premature ideas of independence, too little repressed by parents beget a spirit of insubordination, which is the great obstacle to science with us, and a principal cause of its decay since the revolution. I look to it with dismay in our institution, as a breaker ahead, which I am far from being confident we shall be able to weather. The advance of age, and tardy pace of the public patronage, may probably spare me the pain of witnessing consequences.

I salute you with constant friendship and respect.

TO JOHN CAMPBELL, ESQ.

MONTICELLO, November 10, 1822.

SIR,—I have to acknowledge your favor of the 4th instant, which gives me the first information I had ever received that the laurels which Colonel Campbell so honorably won in the battle of King's Mountain, had ever been brought into question by any one. To him has been ever ascribed so much of the success of that brilliant action as the valor and conduct of an able commander might justly claim. This lessens nothing the merits of his companions in arms, officers and soldiers, who, all and every one, acted well their parts in their respective stations. I have no papers on this subject in my possession, all such received at that day having belonged to the records of the council, but I remember well the deep and grateful impression made on the mind of every one by that memorable victory. It was the joyful annunciation of that turn of the tide of success which terminated the revolutionary war with the seal of our independence. The slighting expression complained of, as hazarded by the venerable Shelby, might seem inexcusable in a younger man, but he was then old, and I can assure you, dear Sir, from mortifying experience, that the lapses of memory of an old man are innocent subjects of compassion more than of blame. The descendants of Colonel Campbell may rest their heads quietly on the pillow of

his renown. History has consecrated, and will forever preserve it in the faithful annals of a grateful country. With the expressions of the high sense I entertain of his character, accept the assurance to yourself of my great esteem and respect.

P. S. I received at the same time with your letter, one from Mr. William C. Preston, on the same subject. Writing is so slow and painful to me, that I must pray you to make for me my acknowledgments to him, and my request that he will consider this as an answer to his as well as your favor.

TO JAMES SMITH.

MONTICELLO, December 8, 1822.

SIR,—I have to thank you for your pamphlets on the subject of Unitarianism, and to express my gratification with your efforts for the revival of primitive Christianity in your quarter. No historical fact is better established, than that the doctrine of one God, pure and uncompounded, was that of the early ages of Christianity; and was among the efficacious doctrines which gave it triumph over the polytheism of the ancients, sickened with the absurdities of their own theology. Nor was the unity of the Supreme Being ousted from the Christian creed by the force of reason, but by the sword of civil government, wielded at the will of the fanatic Athanasius. The hocus-pocus phantasm of a God like another Cerberus, with one body and three heads, had its birth and growth in the blood of thousands and thousands of martyrs. And a strong proof of the solidity of the primitive faith, is its restoration, as soon as a nation arises which vindicates to itself the freedom of religious opinion, and its external divorce from the civil authority. The pure and simple unity of the Creator of the universe, is now all but ascendant in the eastern States; it is dawning in the west, and advancing towards the south; and I confidently expect that the present generation will see Unitarianism become the general religion of the

United States. The eastern presses are giving us many excellent pieces on the subject, and Priestley's learned writings on it are, or should be, in every hand. In fact, the Athanasian paradox that one is three, and three but one, is so incomprehensible to the human mind, that no candid man can say he has any idea of it, and how can he believe what presents no idea? He who thinks he does, only deceives himself. He proves, also, that man, once surrendering his reason, has no remaining guard against absurdities the most monstrous, and like a ship without rudder, is the sport of every wind. With such persons, gullability, which they call faith, takes the helm from the hand of reason, and the mind becomes a wreck.

I write with freedom, because, while I claim a right to believe in one God, if so my reason tells me, I yield as freely to others that of believing in three. Both religions, I find, make honest men, and that is the only point society has any right to look to. Although this mutual freedom should produce mutual indulgence, yet I wish not to be brought in question before the public on this or any other subject, and I pray you to consider me as writing under that trust. I take no part in controversies, religious or political. At the age of eighty, tranquillity is the greatest good of life, and the strongest of our desires that of dying in the good will of all mankind. And with the assurance of all my good will to Unitarian and Trinitarian, to Whig and Tory, accept for yourself that of my entire respect.

TO MR. EDWARD EVERETT.

MONTICELLO, February 24, 1823.

DEAR SIR,—I have read with much satisfaction the reply of Mr. Everett, your brother, to the criticisms on his work on the state of Europe, and concur with him generally in the doctrines of the reply. Certainly *provisions* are not allowed, by the consent of nations, to be contraband but where everything is so, as in the case of a blockaded town, with which all intercourse is

forbidden. On the question whether the principle of "free bottoms making free goods, and enemy bottoms enemy goods," is now to be considered as established in the law of nations, I will state to you a fact within my own knowledge, which may lessen the weight of our authority as having acted in the war of France and England on the ancient principle "that the goods of an enemy in the bottom of a friend are lawful prize; while those of a friend in an enemy bottom are not so." England became a party in the general war against France on the 1st of February, 1793. We took immediately the stand of neutrality. We were aware that our great intercourse with these two maritime nations would subject us to harassment by multiplied questions on the duties of neutrality, and that an important and early one would be which of the two principles above stated should be the law of action with us? We wished to act on the new one of "free bottoms free goods;" and we had established it in our treaties with other nations, but not with England. We determined therefore to avoid, if possible, committing ourselves on this question until we could negotiate with England her acquiescence in the new principle. Although the cases occurring were numerous, and the ministers, Genet and Hammond, eagerly on the watch, we were able to avoid any declaration until the massacre of St. Domingo. The whites, on that occasion, took refuge on board our ships, then in their harbor, with all the property they could find room for; and on their passage to the United States, many of them were taken by British cruisers, and their cargoes seized as lawful prize. The inflammable temper of Genet kindled at once, and he wrote, with his usual passion, a letter reclaiming an observance of the principle of "free bottoms free goods," as if already an acknowledged law of neutrality. I pressed him in conversation not to urge this point; that although it had been acted on by convention, by the armed neutrality, it was not yet become a principle of universal admission; that we wished indeed to strengthen it by our adoption, and were negotiating an acquiescence on the part of Great Britain: but if forced to decide prematurely, we must justify ourselves by a

declaration of the ancient principle, and that no general consent of nations had as yet changed it. He was immoveable, and on the 25th of July wrote a letter, so insulting, that nothing but a determined system of justice and moderation would have prevented his being shipped home in the first vessel. I had the day before answered his of the 9th, in which I had been obliged in our own justification, to declare that the ancient was the established principle, still existing and authoritative. Our denial, therefore, of the new principle, and action on the old one, were forced upon us by the precipitation and intemperance of Genet, against our wishes, and against our aim; and our involuntary practice, therefore, is of less authority against the new rule.

I owe you particular thanks for the copy of your translation of Buttman's Greek Grammar, which you have been so kind as to send me. A cursory view of it promises me a rich mine of valuable criticism. I observe he goes with the herd of grammarians in denying an Ablative case to the Greek language. I cannot concur with him in that, but think with the Messrs. of Port Royal who admit an Ablative. And why exclude it? Is it because the Dative and Ablative in Greek are always of the same form? Then there is no Ablative to the Latin plurals, because in them as in Greek, these cases are always in the same form. The Greeks recognized the Ablative under the appellation of the πτωσις αφαιρετικη, which I have met with and noted from some of the scholiasts, without recollecting where. Stephens, Scapula, Hederic acknowledge it as one of the significations of the word αφαιρεματικος. That the Greeks used it cannot be denied. For one of multiplied examples which may be produced take the following from the Hippolytus of Euripides: "ειπε τῳ τροπῳ, δικης Επαισεν αυτον ροπτρον," "dic quo modo justitiæ clava percussit eum," "quo modo" are Ablatives, then why not τω τροπῳ? And translating it into English, should we use the *Dative or Ablative preposition? It is not perhaps easy to define very critically

* See Buttman's Datives, p. 230, every one of which I should consider as under the accident or relation called Ablative, having no signification of *approach* according to his definition of the Dative.

what constitutes a case in the declension of nouns. All agree as to the Nominative that it is simply the name of the thing. If we admit that a distinct case is constituted by any accident or modification which changes the relation which that bears to the actors or action of the sentence, we must agree to the six cases at least; because, for example, *to* a thing, and *from* a thing are very different accidents to the thing. It may be said that if every distinct accident or change of relation constitutes a different case, then there are in every language as many cases as there are prepositions; for this is the peculiar office of the preposition. But because we do not designate by special names all the cases to which a noun is liable, is that a reason why we should throw away half of those we have, as is done by those grammarians who reject all cases, but the Nominative, Genitive, and Accusative, and in a less degree by those also who reject the Ablative alone? as pushing the discrimination of all the possible cases to extremities leads us to nothing useful or practicable, I am contented with the old six cases, familiar to every cultivated language, ancient and modern, and well understood by all. I acknowledge myself at the same time not an adept in the metaphysical speculations of Grammar. By analyzing too minutely we often reduce our subject to atoms, of which the mind loses its hold. Nor am I a friend to a scrupulous purism of style. I readily sacrifice the niceties of syntax to euphony and strength. It is by boldly neglecting the rigorisms of grammar, that Tacitus has made himself the strongest writer in the world. The Hyperesitics call him barbarous; but I should be sorry to exchange his barbarisms for their wise-drawn purisms. Some of his sentences are as strong as language can make them. Had he scrupulously filled up the whole of their syntax, they would have been merely common. To explain my meaning by an English example, I will quote the motto of one, I believe, of the regicides of Charles I., "Rebellion *to* tyrants is obedience to God." Correct its syntax, "Rebellion *against* tyrants is obedience to God," it has lost all the strength and beauty of the antithesis. However, dear Sir, I profess again my want of familiarity with

these speculations; I hazard them without confidence, and offer them submissively to your consideration and more practised judgment.

Although writing, with both hands crippled, is slow and painful, and therefore nearly laid aside from necessity, I have been decoyed by my subjects into a very long letter. What would therefore have been a good excuse for ending with the first page, cannot be a bad one for concluding in the fourth, with the assurance of my great esteem and respect.

TO JOHN ADAMS.

MONTICELLO, February 25, 1823.

DEAR SIR,—I received, in due time, your two favors of December the 2d and February the 10th, and have to acknowledge for the ladies of my native State their obligations to you for the enconiums which you are so kind as to bestow on them. They certainly claim no advantages over those of their sister States, and are sensible of more favorable circumstances existing with many of them, and happily availed, which our situation does not offer. But the paper respecting Monticello, to which you allude, was not written by a Virginian, but a visitant from another State; and written by memory at least a dozen years after the visit. This has occasioned some lapses of recollection, and a confusion of some things in the mind of our friend, and particularly as to the volume of slanders supposed to have been cut out of newspapers and preserved. It would not, indeed, have been a single volume, but an encyclopedia in bulk. But I never had such a volume; indeed, I rarely thought those libels worth reading, much less preserving and remembering. At the end of every year, I generally sorted all my pamphlets, and had them bound according to their subjects. One of these volumes consisted of personal altercations between individuals, and calumnies on each other. This was lettered on the back, "Personalities," and is now in the library of Congress. I was in the habit,

also, while living apart from my family, of cutting out of the newspapers such morsels of poetry, or tales, as I thought would please, and of sending them to my grandchildren, who pasted them on leaves of blank paper and formed them into a book. These two volumes have been confounded into one in the recollection of our friend. Her poetical imagination, too, has heightened the scenes she visited, as well as the merits of the inhabitants, to whom her society was a delightful gratification.

I have just finished reading O'Meara's Bonaparte. It places him in a higher scale of understanding than I had allotted him. I had thought him the greatest of all military captains, but an indifferent statesman, and misled by unworthy passions. The flashes, however, which escaped from him in these conversations with O'Meara, prove a mind of great expansion, although not of distinct development and reasoning. He seizes results with rapidity and penetration, but never explains logically the process of reasoning by which he arrives at them. This book, too, makes us forget his atrocities for a moment, in commiseration of his sufferings. I will not say that the authorities of the world, charged with the care of their country and people, had not a right to confine him for life, as a lion or tiger, on the principle of self-preservation. There was no safety to nations while he was permitted to roam at large. But the putting him to death in cold blood, by lingering tortures of mind, by vexations, insults and deprivations, was a degree of inhumanity to which the poisonings and assassinations of the school of Borgia and the den of Marat never attained. The book proves, also, that nature had denied him the moral sense, the first excellence of well-organized man. If he could seriously and repeatedly affirm that he had raised himself to power without ever having committed a crime, it proves that he wanted totally the sense of right and wrong. If he could consider the millions of human lives which he had destroyed or caused to be destroyed, the desolations of countries by plunderings, burnings, and famine, the destitutions of lawful rulers of the world without the consent of their constituents, to place his brothers and sisters on their thrones, the cutting up of

established societies of men and jumbling them discordantly together again at his caprice, the demolition of the fairest hopes of mankind for the recovery of their rights and amelioration of their condition, and all the numberless train of his other enormities; the man, I say, who could consider all these as no crimes, must have been a moral monster, against whom every hand should have been lifted to slay him.

You are so kind as to inquire after my health. The bone of my arm is well knitted, but my hand and fingers are in a discouraging condition, kept entirely useless by an œdematous swelling of slow amendment.

God bless you and continue your good health of body and mind.

TO JUDGE JOHNSON.

MONTICELLO, March 4, 1823.

DEAR SIR,—I delayed some time the acknowledgment of your welcome letter of December 10th, on the common lazy principle of never doing to-day what we can put off to to-morrow, until it became doubtful whether a letter would find you at Charleston. Learning now that you are at Washington, I will reply to some particulars which seem to require it.

The North American Review is a work I do not take, and which is little known in this State, consequently I have never seen its observations on your inestimable history, but a reviewer can never let a work pass uncensured. He must always make himself wiser than his author. He would otherwise think it an abdication of his office of censor. On this occasion, he seems to have had more sensibility for Virginia than she has for herself; for, on reading the work, I saw nothing to touch our pride or jealousy, but every expression of respect and good will which truth could justify. The family of enemies, whose buzz you apprehend, are now nothing. You may learn this at Washington; and their military relation has long ago had the full-voiced condemnation of his own State. Do not fear, therefore, these in-

sects. What you write will be far above their grovelling sphere. Let me, then, implore you, dear Sir, to finish your history of parties, leaving the time of publication to the state of things you may deem proper, but taking especial care that we do not lose it altogether. We have been too careless of our future reputation, while our tories will omit nothing to place us in the wrong. Besides the five-volumed libel which represents us as struggling for office, and not at all to prevent our government from being administered into a monarchy, the life of Hamilton is in the hands of a man who, to the bitterness of the priest, adds the rancor of the fiercest federalism. Mr. Adams' papers, too, and his biography, will descend of course to his son, whose pen, you know, is pointed, and his prejudices not in our favor. And doubtless other things are in preparation, unknown to us. On our part we are depending on truth to make itself known, while history is taking a contrary set which may become too inveterate for correction. Mr. Madison will probably leave something, but I believe, only particular passages of our history, and these chiefly confined to the period between the dissolution of the old and commencement of the new government, which is peculiarly within his knowledge. After he joined me in the administration, he had no leisure to write. This, too, was my case. But although I had not time to prepare anything express, my letters, (all preserved) will furnish the daily occurrences and views from my return from Europe in 1790, till I retired finally from office. These will command more conviction than anything I could have written after my retirement; no day having ever passed during that period without a letter to somebody, written too in the moment, and in the warmth and freshness of fact and feeling, they will carry internal evidence that what they breathe is genuine. Selections from these, after my death, may come out successively as the maturity of circumstances may render their appearance seasonable. But multiplied testimony, multiplied views will be necessary to give solid establishment to truth. Much is known to one which is not known to another, and no one knows everything. It is the sum of individual knowledge which is to make

up the whole truth, and to give its correct current through future time. Then do not, dear Sir, withhold your stock of information; and I would moreover recommend that you trust it not to a single copy, nor to a single depository. Leave it not in the power of any one person, under the distempered view of an unlucky moment, to deprive us of the weight of your testimony, and to purchase, by its destruction, the favor of any party or person, as happened with a paper of Dr. Franklin's.

I cannot lay down my pen without recurring to one of the subjects of my former letter, for in truth there is no danger I apprehend so much as the consolidation of our government by the noiseless, and therefore unalarming, instrumentality of the supreme court. This is the form in which federalism now arrays itself, and consolidation is the present principle of distinction between republicans and the pseudo-republicans but real federalists. I must comfort myself with the hope that the judges will see the importance and the duty of giving their country the only evidence they can give of fidelity to its constitution and integrity in the administration of its laws; that is to say, by every one's giving his opinion *seriatim* and publicly on the cases he decides. Let him prove by his reasoning that he has read the papers, that he has considered the case, that in the application of the law to it, he uses his own judgment independently and unbiased by party views and personal favor or disfavor. Throw himself in every case on God and his country; both will excuse him for error and value him for his honesty. The very idea of cooking up opinions in conclave, begets suspicions that something passes which fears the public ear, and this, spreading by degrees, must produce at some time abridgment of tenure, facility of removal, or some other modification which may promise a remedy. For in truth there is at this time more hostility to the federal judiciary, than to any other organ of the government.

I should greatly prefer, as you do, four judges to any greater number. Great lawyers are not over abundant, and the multiplication of judges only enable the weak to out-vote the wise, and

three concurrent opinions out of four gives a strong presumption of right.

I cannot better prove my entire confidence in your candor, than by the frankness with which I commit myself to you, and to this I add with truth, assurances of the sincerity of my great esteem and respect.

JOHN ADAMS TO THOMAS JEFFERSON.

Quincy, March 10, 1823.

Dear Sir,—The sight of your well known hand writing in your favor of 25th February last, gave me great pleasure, as it proved your arm to be restored, and your pen still manageable. May it continue till you shall become as perfect a Calvinist as I am in one particular. Poor Calvin's infirmities, his rheumatism, his gouts and sciatics, made him frequently cry out, *Mon dieu, jusqu'à quand.* Lord, how long! Prat, once chief justice of New York, always tormented with infirmities, dreamt that he was situated on a single rock in the midst of the Atlantic Ocean. He heard a voice:

"Why mourns the bard, Apollo bids thee rise,
Renounce the dust, and claim thy native skies."

The ladies' visit to Monticello has put my readers in requisition to read to me Simons' travels in Switzerland. I thought I had some knowledge of that country before, but I find I had no idea of it. How degenerated are the Swiss. They might defend their country against France, Austria, and Russia; neither of whom ought to be suffered to march armies over their mountains. Those powers have practiced as much tyranny, and immorality, as even the emperor Napoleon did over them, or over the royalists of Germany or Italy.

Neither France, Austria, or Spain, ought to have a foot of land in Italy. All conquerors are alike. Every one of them. *Jura negat sibi lati, nihil non arrogat armis.* We have nothing but

fables concerning Theseus, Bacchus, and Hercules, and even Sesostris; but I dare say that every one of them was as tyrannical and immoral as Napoleon. Nebuchadnezzar is the first great conqueror of whom we have anything like history, and he was as great as any of them. Alexander and Cæsar were more immoral than Napoleon. Zingis Khan was as great a conqueror as any of them, and destroyed as many millions of lives, and thought he had a right to the whole globe, if he could subdue it.

What are we to think of the crusades in which three millions of lives at least were probably sacrificed. And what right had St. Louis and Richard Cœur de Lion to Palestine and Syria more than Alexander to India, or Napoleon to Egypt and Italy? Right and justice have hard fare in this world, but there is a power above who is capable and willing to put all things right in the end; *et pour mettre chacun à sa place dans l'universe*, and I doubt not he will.

Mr. English, a Bostonian, has published a volume of his expedition with Ishmael Pashaw, up the river Nile. He advanced above the third cataract, and opens a prospect of a resurrection from the dead of those vast and ancient countries of Abyssinia and Ethiopia; a free communication with India, and the river Niger, and the city of Tombuctoo. This, however, is conjecture and speculation rather than certainty; but a free communication by land between Europe and India will ere long be opened. A few American steamboats, and our Quincy stone-cutters would soon make the Nile as navigable as our Hudson, Potomac, or Mississippi. You see as my reason and intellect fails, my imagination grows more wild and ungovernable, but my friendship remains the same. Adieu.

TO JOHN ADAMS.

MONTICELLO, April 11, 1823.

DEAR SIR,—The wishes expressed in your last favor, that I may continue in life and health until I become a Calvinist, at least in his exclamation of, "*Mon Dieu! jusqu'à quand!*" would

make me immortal. I can never join Calvin in addressing *his God.* He was indeed an atheist, which I can never be; or rather his religion was dæmonism. If ever man worshipped a false God, he did. The being described in his five points, is not the God whom you and I acknowledge and adore, the creator and benevolent governor of the world; but a dæmon of malignant spirit. It would be more pardonable to believe in no God at all, than to blaspheme him by the atrocious attributes of Calvin. Indeed, I think that every Christian sect gives a great handle to atheism by their general dogma, that, without a revelation, there would not be sufficient proof of the being of a God. Now one-sixth of mankind only are supposed to be Christians; the other five-sixths then, who do not believe in the Jewish and Christian revelation, are without a knowledge of the existence of a God! This gives completely a *gain de cause* to the disciples of Ocellus, Timæus, Spinosa, Diderot and D'Holbach. The argument which they rest on as triumphant and unanswerable is, that in every hypothesis of cosmogony, you must admit an eternal pre-existence of something; and according to the rule of sound philosophy, you are never to employ two principles to solve a difficulty when one will suffice. They say then, that it is more simple to believe at once in the eternal pre-existence of the world, as it is now going on, and may forever go on by the principle of reproduction which we see and witness, than to believe in the eternal pre-existence of an ulterior cause, or creator of the world, a being whom we see not and know not, of whose form, substance and mode, or place of existence, or of action, no sense informs us, no power of the mind enables us to delineate or comprehend. On the contrary, I hold, (without appeal to revelation) that when we take a view of the universe, in its parts, general or particular, it is impossible for the human mind not to perceive and feel a conviction of design, consummate skill, and indefinite power in every atom of its composition. The movements of the heavenly bodies, so exactly held in their course by the balance of centrifugal and centripetal forces; the structure of our earth itself, with its distribution of lands, waters and atmosphere; ani-

mal and vegetable bodies, examined in all their minutest particles; insects, mere atoms of life, yet as perfectly organized as man or mammoth; the mineral substances, their generation and uses; it is impossible, I say, for the human mind not to believe, that there is in all this, design, cause and effect, up to an ultimate cause, a fabricator of all things from matter and motion, their preserver and regulator while permitted to exist in their present forms, and their regeneratiou into new and other forms. We see, too, evident proofs of the necessity of a superintending power, to maintain the universe in its course and order. Stars, well known, have disappeared, new ones have come into view; comets, in their incalculable courses, may run foul of suns and planets, and require renovation under other laws; certain races of animals are become extinct; and were there no restoring power, all existences might extinguish successively, one by one, until all should be reduced to a shapeless chaos. So irresistible are these evidences of an intelligent and powerful agent, that, of the infinite numbers of men who have existed through all time, they have believed, in the proportion of a million at least to unit, in the hypothesis of an eternal pre-existence of a creator, rather than in that of a self-existent universe. Surely this unanimous sentiment renders this more probable, than that of the few in the other hypothesis. Some early Christians, indeed, have believed in the co-eternal pre-existence of both the creator and the world, without changing their relation of cause and effect. That this was the opinion of St. Thomas, we are informed by Cardinal Toleta, in these words: "*Deus ab æterno fuit jam omnipotens, sicut cum produxit mundum. Ab æterno potuit producere mundum. Si sol ab æterno esset, lumen ab æterno esset; et si pes, similiter vestigium. At lumen et vestigium effectus sunt efficientis solis et pedis; potuit ergo cum causa æterna effectus co-æterna esse. Cujus sententia est S. Thomas theologorum primus.*"—Cardinal Toleta.

Of the nature of this being we know nothing. Jesus tells us, that "God is a spirit." 4. John 24. But without defining what a spirit is: "πνευμα ὁ θεος." Down to the third century, we know it was still deemed material; but of a lighter, subtler mat-

ter than our gross bodies. So says Origen, "*Deus igitur, cui anima similis est, juxta originem, reapte corporalis est; sed graviorum tantum ratione corporum incorporeus.*" These are the words of Huet in his commentary on Origen. Origen himself says, "*appellatio ασωματου apud nostros scriptores est inusitata et incognita.*" So also Tertullian; "*quis autem negabit deum esse corpus etsi deus spiritus? Spiritus etiam corporis sui generis, in sua effigie.*"—Tertullian. These two fathers were of the third century. Calvin's character of this Supreme Being seems chiefly copied from that of the Jews. But the reformation of these blasphemous attributes, and substitution of those more worthy, pure, and sublime, seems to have been the chief object of Jesus in his discourses to the Jews; and his doctine of the cosmogony of the world is very clearly laid down in the three first verses of the first chapter of John, in these words: "*Εν αρχη ην ὁ λόγος, και ὁ λόγος ην πρὸς τὸν Θεὸν, και Θεος ην ὁ λόγος. Οὗτος ην ἐν αρχη πρὸς τὸν Θεόν. Πάντα δι αὐτοῦ ἐγένετο· και χωρὶς αὐτοῦ ἐγένετο οὐδὲ ἕν, ὃ γέγονεν.*" Which truly translated means, "In the beginning God existed, and reason [or mind] was with God, and that mind was God. This was in the beginning with God. All things were created by it, and without it was made not one thing which was made." Yet this text, so plainly declaring the doctrine of Jesus, that the world was created by the supreme, intelligent being, has been perverted by modern Christians to build up a second person of their tritheism, by a mistranslation of the word λογος. One of its legitimate meanings, indeed, is "a word." But in that sense it makes an unmeaning jargon; while the other meaning, "reason," equally legitimate, explains rationally the eternal pre-existence of God, and his creation of the world. Knowing how incomprehensible it was that "a word," the mere action or articulation of the organs of speech could create a world, they undertook to make of this articulation a second pre-existing being, and ascribe to him, and not to God, the creation of the universe. The atheist here plumes himself on the uselessness of such a God, and the simpler hypothesis of a self-existent universe. The truth is, that the greatest enemies to the doctrines of Jesus are those, calling them-

selves the expositors of them, who have perverted them for the structure of a system of fancy absolutely incomprehensible, and without any foundation in his genuine words. And the day will come, when the mystical generation of Jesus, by the Supreme Being as his father, in the womb of a virgin, will be classed with the fable of the generation of Minerva in the brain of Jupiter. But we may hope that the dawn of reason, and freedom of thought in these United States, will do away all this artificial scaffolding, and restore to us the primitive and genuine doctrines of this the most venerated reformer of human errors.

So much for your quotation of Calvin's "*mon Dieu! jusqu'à quand!*" in which, when addressed to the God of Jesus, and our God, I join you cordially, and await his time and will with more readiness than reluctance. May we meet there again, in Congress, with our ancient colleagues, and receive with them the seal of approbation, "well done, good and faithful servants."

TO GENERAL SAMUEL SMITH.

MONTICELLO, May 3, 1823.

DEAR GENERAL,—I duly received your favor of the 24th ult. But I am rendered a slow correspondent by the loss of the use, totally of the one, and almost totally of the other wrist, which renders writing scarcely and painfully practicable. I learn with great satisfaction that wholsome economies have been found, sufficient to relieve us from the ruinous necessity of adding annually to our debt by new loans. The deviser of so salutary a relief deserves truly well of his country. I shall be glad, too, if an additional tax of one-fourth of a dollar a gallon on whiskey shall enable us to meet all our engagements with punctuality. Viewing that tax as an article in a system of excise, I was once glad to see it fall with the rest of the system, which I considered as prematurely and unnecessarily introduced. It was evident that our existing taxes were *then* equal to our existing debts. It was clearly foreseen also that the surplus from excise would

only become aliment for useless offices, and would be swallowed in idleness by those whom it would withdraw from useful industry. Considering it only as a fiscal measure, this was right. But the prostration of body and mind which the cheapness of this liquor is spreading through the mass of our citizens, now calls the attention of the legislator on a very different principle. One of his important duties is as guardian of those who from causes susceptible of precise definition, cannot take care of themselves. Such are infants, maniacs, gamblers, drunkards. The last, as much as the maniac, requires restrictive measures to save him from the fatal infatuation under which he is destroying his health, his morals, his family, and his usefulness to society. One powerful obstacle to his ruinous self-indulgence would be a price beyond his competence. As a sanatory measure, therefore, it becomes one of duty in the public guardians. Yet I do not think it follows necessarily that imported spirits should be subjected to similar enhancement, until they become as cheap as those made at home. A tax on whiskey is to discourage its consumption; a tax on foreign spirits encourages whiskey by removing its rival from competition. The price and present duty throw foreign spirits already out of competition with whiskey, and accordingly they are used but to a salutary extent. You see no persons besotting themselves with imported spirits, wines, liquors, cordials, &c. Whiskey claims to itself alone the exclusive office of sot-making. Foreign spirits, wines, teas, coffee, segars, salt, are articles of as innocent consumption as broadcloths and silks; and ought, like them, to pay but the average *ad valorem* duty of other imported comforts. All of them are ingredients in our happiness, and the government which steps out of the ranks of the ordinary articles of consumption to select and lay under disproportionate burthens a particular one, because it is a comfort, pleasing to the taste, or necessary to health, and will therefore be bought, is, in that particular, a tyranny. Taxes on consumption like those on capital or income, to be just, must be uniform. I do not mean to say that it may not be for the general interest to foster for awhile certain infant manufactures, until they are

strong enough to stand against foreign rivals; but when evident that they will never be so, it is against right, to make the other branches of industry support them. When it was found that France could not make sugar under 6 h. a lb., was it not tyranny to restrain her citizens from importing at 1 h.? or would it not have been so to have laid a duty of 5 h. on the imported? The permitting an exchange of industries with other nations is a direct encouragement of your own, which without that, would bring you nothing for your comfort, and would of course cease to be produced.

On the question of the next Presidential election, I am a mere looker on. I never permit myself to express an opinion, or to feel a wish on the subject. I indulge a single hope only, that the choice may fall on one who will be a friend of peace, of economy, of the republican principles of our constitution, and of the salutary distribution of powers made by that between the general and the local governments, to this, I ever add sincere prayers for your happiness and prosperity.

TO MR. MEGEAR.

MONTICELLO, May 29. 1823.

I thank you, Sir, for the copy of the letters of Paul and Amicus, which you have been so kind as to send me, and shall learn from them with satisfaction the peculiar tenets of the Friends, and particularly their opinions on the incomprehensibilities (otherwise called the mysteries) of the trinity. I think with them on many points, and especially on missionary and Bible societies. While we have so many around us, within the same social pale, who need instruction and assistance, why carry to a distance, and to strangers what our own neighbors need? It is a duty certainly to give our sparings to those who want; but to see also that they are faithfully distributed, and duly apportioned to the respective wants of those receivers. And why give through agents whom we know not, to persons whom we know not, and

in countries from which we get no account, when we can do it at short hand, to objects under our eye, through agents we know, and to supply wants we see? I do not know that it is a duty to disturb by missionaries the religion and peace of other countries, who may think themselves bound to extinguish by fire and fagot the heresies to which we give the name of conversions, and quote our own example for it. Were the Pope, or his holy allies, to send in mission to us some thousands of Jesuit priests to convert us to their orthodoxy, I suspect that we should deem and treat it as a national aggression on our peace and faith. I salute you in the spirit of peace and good will.

TO THE PRESIDENT.

MONTICELLO, June 11, 1823

DEAR SIR,—Considering that I had not been to Bedford for a twelvemonth before, I thought myself singularly unfortunate in so timing my journey, as to have been absent exactly at the moment of your late visit to our neighborhood. The loss, indeed, was all my own; for in these short interviews with you, I generally get my political compass rectified, learn from you whereabouts we are, and correct my course again. In exchange for this, I can give you but newspaper ideas, and little indeed of these, for I read but a single paper, and that hastily. I find Horace and Tacitus so much better writers than the champions of the gazettes, that I lay those down to take up these with great reluctance. And on the question you propose, whether we can, in any form, take a bolder attitude than formerly in favor of liberty, I can give you but commonplace ideas. They will be but the widow's mite, and offered only because requested. The matter which now embroils Europe, the presumption of dictating to an independent nation the form of its government, is so arrogant, so atrocious, that indignation, as well as moral sentiment, enlists all our partialities and prayers in favor of one, and our equal execrations against the other. I do not know,

indeed, whether all nations do not owe to one another a bold and open declaration of their sympathies with the one party, and their detestation of the conduct of the other. But farther than this we are not bound to go; and indeed, for the sake of the world, we ought not to increase the jealousies, or draw on ourselves the power of this formidable confederacy. I have ever deemed it fundamental for the United States, never to take active part in the quarrels of Europe. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government, are all foreign to us. They are nations of eternal war. All their energies are expended in the destruction of the labor, property and lives of their people. On our part, never had a people so favorable a chance of trying the opposite system, of peace and fraternity with mankind, and the direction of all our means and faculties to the purposes of improvement instead of destruction. With Europe we have few occasions of collision, and these, with a little prudence and forbearance, may be generally accommodated. Of the brethren of our own hemisphere, none are yet, or for an age to come will be, in a shape, condition, or disposition to war against us. And the foothold which the nations of Europe had in either America, is slipping from under them, so that we shall soon be rid of their neighborhood. Cuba alone seems at present to hold up a speck of war to us. Its possession by Great Britain would indeed be a great calamity to us. Could we induce her to join us in guaranteeing its independence against all the world, *except* Spain, it would be nearly as valuable to us as if it were our own. But should she take it, I would not immediately go to war for it; because the first war on other accounts will give it to us; or the island will give itself to us, when able to do so. While no duty, therefore, calls on us to take part in the present war of Europe, and a golden harvest offers itself in reward for doing nothing, peace and neutrality seem to be our duty and interest. We may gratify ourselves, indeed, with a neutrality as partial to Spain as would be justifiable without giving cause of war to her adver-

sary ; we might and ought to avail ourselves of the happy occasion of procuring and cementing a cordial reconciliation with her. by giving assurance of every friendly office which neutrality admits, and especially, against all apprehension of our intermeddling in the quarrel with her colonies. And I expect daily and confidently to hear of a spark kindled in France, which will employ her at home, and relieve Spain from all further apprehensions of danger.

That England is playing false with Spain cannot be doubted. Her government is looking one way and rowing another. It is curious to look back a little on past events. During the ascendancy of Bonaparte, the word among the herd of kings, was "*sauve qui peut.*" Each shifted for himself, and left his brethren to squander and do the same as they could. After the battle of Waterloo, and the military possession of France, they rallied and combined in common cause, to maintain each other against any similar and future danger. And in this alliance, Louis, now avowedly, and George, secretly but solidly, were of the contracting parties; and there can be no doubt that the allies are bound by treaty to aid England with their armies, should insurrection take place among her people. The coquetry she is now playing off between her people and her allies is perfectly understood by the latter, and accordingly gives no apprehensions to France, to whom it is all explained. The diplomatic correspondence she is now displaying, these double papers fabricated merely for exhibition, in which she makes herself talk of morals and principle, as if her qualms of conscience would not permit her to go all lengths with her Holy Allies, are all to gull her own people. It is a theatrical farce, in which the five powers are the actors, England the Tartuffe, and her people the dupes. Playing thus so dextrously into each others' hands, and their own persons seeming secured, they are now looking to their privileged orders. These faithful auxiliaries, or accomplices, must be saved. This war is evidently that of the general body of the aristocracy, in which England is also acting her part. "Save but the Nobles and there shall be no war," says she, masking her measures at

the same time under the form of friendship and mediation, and hypocritically, while a party, offering herself as a judge, to betray those whom she is not permitted openly to oppose. A fraudulent neutrality, if neutrality at all, is all Spain will get from her. And Spain, probably, perceives this, and willingly winks at it rather than have her weight thrown openly into the other scale.

But I am going beyond my text, and sinning against the adage of carrying coals to Newcastle. In hazarding to you my crude and uninformed notions of things beyond my cognizance, only be so good as to remember that it is at your request, and with as little confidence on my part as profit on yours. You will do what is right, leaving the people of Europe to act their follies and crimes among themselves, while we pursue in good faith the paths of peace and prosperity. To your judgment we are willingly resigned, with sincere assurances of affectionate esteem and respect.

TO JUDGE JOHNSON.

MONTICELLO, June 12, 1823.

DEAR SIR,—Our correspondence is of that accommodating character, which admits of suspension at the convenience of either party, without inconvenience to the other. Hence this tardy acknowledgment of your favor of April the 11th. I learn from that with great pleasure, that you have resolved on continuing your history of parties. Our opponents are far ahead of us in preparations for placing their cause favorably before posterity. Yet I hope even from some of them the escape of precious truths, in angry explosions or effusions of vanity, which will betray the genuine monarchism of their principles. They do not themselves believe what they endeavor to inculcate, that we were an opposition party, not on principle, but merely seeking for office. The fact is, that at the formation of our government, many had formed their political opinions on European writings and practices, believing the experience of old countries, and especially of England, abusive as it was, to be a safer guide than

mere theory. The doctrines of Europe were, that men in numerous associations cannot be restrained within the limits of order and justice, but by forces physical and moral, wielded over them by authorities independent of their will. Hence their organization of kings, hereditary nobles, and priests. Still further to constrain the brute force of the people, they deem it necessary to keep them down by hard labor, poverty and ignorance, and to take from them, as from bees, so much of their earnings, as that unremitting labor shall be necessary to obtain a sufficient surplus barely to sustain a scanty and miserable life. And these earnings they apply to maintain their privileged orders in splendor and idleness, to fascinate the eyes of the people, and excite in them an humble adoration and submission, as to an order of superior beings. Although few among us had gone all these lengths of opinion, yet many had advanced, some more, some less, on the way. And in the convention which formed our government, they endeavored to draw the cords of power as tight as they could obtain them, to lessen the dependence of the general functionaries on their constituents, to subject to them those of the States, and to weaken their means of maintaining the steady equilibrium which the majority of the convention had deemed salutary for both branches, general and local. To recover, therefore, in practice the powers which the nation had refused, and to warp to their own wishes those actually given, was the steady object of the federal party. Ours, on the contrary, was to maintain the will of the majority of the convention, and of the people themselves. We believed, with them, that man was a rational animal, endowed by nature with rights, and with an innate sense of justice; and that he could be restrained from wrong and protected in right, by moderate powers, confided to persons of his own choice, and held to their duties by dependence on his own will. We believed that the complicated organization of kings, nobles, and priests, was not the wisest nor best to effect the happiness of associated man; that wisdom and virtue were not hereditary; that the trappings of such a machinery, consumed by their expense, those earnings of

industry, they were meant to protect, and, by the inequalities they produced, exposed liberty to sufferance. We believed that men, enjoying in ease and security the full fruits of their own industry, enlisted by all their interests on the side of law and order, habituated to think for themselves, and to follow their reason as their guide, would be more easily and safely governed, than with minds nourished in error, and vitiated and debased, as in Europe, by ignorance, indigence and oppression. The cherishment of the people then was our principle, the fear and distrust of them, that of the other party. Composed, as we were, of the landed and laboring interests of the country, we could not be less anxious for a government of law and order than were the inhabitants of the cities, the strongholds of federalism. And whether our efforts to save the principles and form of our constitution have not been salutary, let the present republican freedom, order and prosperity of our country determine. History may distort truth, and will distort it for a time, by the superior efforts at justification of those who are conscious of needing it most. Nor will the opening scenes of our present government be seen in their true aspect, until the letters of the day, now held in private hoards, shall be broken up and laid open to public view. What a treasure will be found in General Washington's cabinet, when it shall pass into the hands of as candid a friend to truth as he was himself! When no longer, like Cæsar's notes and memorandums in the hands of Anthony, it shall be open to the high priests of federalism only, and garbled to say so much, and no more, as suits their views!

With respect to his farewell address, to the authorship of which, it seems, there are conflicting claims, I can state to you some facts. He had determined to decline a re-election at the end of his first term, and so far determined, that he had requested Mr. Madison to prepare for him something valedictory, to be addressed to his constituents on his retirement. This was done, but he was finally persuaded to acquiesce in a second election, to which no one more strenuously pressed him than myself, from a conviction of the importance of strengthening, by longer habit,

the respect necessary for that office, which the weight of his character only could effect. When, at the end of this second term, his Valedictory came out, Mr. Madison recognized in it several passages of his draught, several others, we were both satisfied, were from the pen of Hamilton, and others from that of the President himself. These he probably put into the hands of Hamilton to form into a whole, and hence it may all appear in Hamilton's hand-writing, as if it were all of his composition.

I have stated above, that the original objects of the federalists were, 1st, to warp our government more to the form and principles of monarchy, and, 2d, to weaken the barriers of the State governments as coördinate powers. In the first they have been so completely foiled by the universal spirit of the nation, that they have abandoned the enterprise, shrunk from the odium of their old appellation, taken to themselves a participation of ours, and under the pseudo-republican mask, are now aiming at their second object, and strengthened by unsuspecting or apostate recruits from our ranks, are advancing fast towards an ascendancy. I have been blamed for saying, that a prevalence of the doctrines of consolidation would one day call for reformation or *revolution*. I answer by asking if a single State of the Union would have agreed to the constitution, had it given all powers to the General Government? If the whole opposition to it did not proceed from the jealousy and fear of every State, of being subjected to the other States in matters merely its own? And if there is any reason to believe the States more disposed now than then, to acquiesce in this general surrender of all their rights and powers to a consolidated government, one and undivided?

You request me confidentially, to examine the question, whether the Supreme Court has advanced beyond its constitutional limits, and trespassed on those of the State authorities? I do not undertake it, my dear Sir, because I am unable. Age and the wane of mind consequent on it, have disqualified me from investigations so severe, and researches so laborious. And it is the less necessary in this case, as having been already done by

others with a logic and learning to which I could add nothing. On the decision of the case of Cohens *vs.* The State of Virginia, in the Supreme Court of the United States, in March, 1821, Judge Roane, under the signature of Algernon Sidney, wrote for the Enquirer a series of papers on the law of that case. I considered these papers maturely as they came out, and confess that they appeared to me to pulverize every word which had been delivered by Judge Marshall, of the extra-judicial part of his opinion; and all was extra-judicial, except the decision that the act of Congress had not purported to give to the corporation of Washington the authority claimed by their lottery law, of controlling the laws of the States within the States themselves. But unable to claim that case, he could not let it go entirely, but went on gratuitously to prove, that notwithstanding the eleventh amendment of the constitution, a State *could* be brought as a defendant, to the bar of his court; and again, that Congress might authorize a corporation of its territory to exercise legislation within a State, and paramount to the laws of that State. I cite the sum and result only of his doctrines, according to the impression made on my mind at the time, and still remaining. If not strictly accurate in circumstance, it is so in substance. This doctrine was so completely refuted by Roane, that if he can be answered, I surrender human reason as a vain and useless faculty, given to bewilder, and not to guide us. And I mention this particular case as one only of several, because it gave occasion to that thorough examination of the constitutional limits between the General and State jurisdictions, which you have asked for. There were two other writers in the same paper, under the signatures of Fletcher of Saltoun, and Somers, who, in a few essays, presented some very luminous and striking views of the question. And there was a particular paper which recapitulated all the cases in which it was thought the federal court had usurped on the State jurisdictions. These essays will be found in the Enquirers of 1821, from May the 10th to July the 13th. It is not in my present power to send them to you, but if Ritchie can furnish them, I will procure and forward them. If they

had been read in the other States, as they were here, I think they would have left, there as here, no dissentients from their doctrine. The subject was taken up by our legislature of 1821–'22, and two draughts of remonstrances were prepared and discussed. As well as I remember, there was no difference of opinion as to the matter of right; but there was as to the expediency of a remonstrance at that time, the general mind of the States being then under extraordinary excitement by the Missouri question; and it was dropped on that consideration. But this case is not dead, it only sleepeth. The Indian Chief said he did not go to war for every petty injury by itself, but put it into his pouch, and when that was full, he then made war. Thank Heaven, we have provided a more peaceable and rational mode of redress.

This practice of Judge Marshall, of travelling out of his case to prescribe what the law would be in a moot case not before the court, is very irregular and very censurable. I recollect another instance, and the more particularly, perhaps, because it in some measure bore on myself. Among the midnight appointments of Mr. Adams, were commissions to some federal justices of the peace for Alexandria. These were signed and sealed by him, but not delivered. I found them on the table of the department of State, on my entrance into office, and I forbade their delivery. Marbury, named in one of them, applied to the Supreme Court for a mandamus to the Secretary of State, (Mr. Madison) to deliver the commission intended for him. The Court determined at once, that being an original process, they had no cognizance of it; and therefore the question before them was ended. But the Chief Justice went on to lay down what the law would be, had they jurisdiction of the case, to-wit: that they should command the delivery. The object was clearly to instruct any other court having the jurisdiction, what they should do if Marbury should apply to them. Besides the impropriety of this gratuitous interference, could anything exceed the perversion of law? For if there is any principle of law never yet contradicted, it is that delivery is one of the essentials to the validity

of a deed. Although signed and sealed, yet as long as it remains in the hands of the party himself, it is in *fieri* only, it is not a deed, and can be made so only by its delivery. In the hands of a third person it may be made an escrow. But whatever is in the executive offices is certainly deemed to be in the hands of the President; and in this case, was actually in my hands, because, when I countermanded them, there was as yet no Secretary of State. Yet this case of Marbury and Madison is continually cited by bench and bar, as if it were settled law, without any animadversion on its being merely an *obiter* dissertation of the Chief Justice.

It may be impracticable to lay down any general formula of words which shall decide at once, and with precision, in every case, this limit of jurisdiction. But there are two canons which will guide us safely in most of the cases. 1st. The capital and leading object of the constitution was to leave with the States all authorities which respected their own citizens only, and to transfer to the United States those which respected citizens of foreign or other States: to make us several as to ourselves, but one as to all others. In the latter case, then, constructions should lean to the general jurisdiction, if the words will bear it; and in favor of the States in the former, if possible to be so construed. And indeed, between citizens and citizens of the same State, and under their own laws, I know but a single case in which a jurisdiction is given to the General Government. That is, where anything but gold or silver is made a lawful tender, or the obligation of contracts is any otherwise impaired. The separate legislatures had so often abused that power, that the citizens themselves chose to trust it to the general, rather than to their own special authorities. 2d. On every question of construction, carry ourselves back to the time when the constitution was adopted, recollect the spirit manifested in the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed. Let us try Cohen's case by these canons only, referring always, however, for full argument, to the essays before cited.

.. It was between a citizen and his own State, and under a law of his State. It was a domestic case, therefore, and not a foreign one.

2. Can it be believed, that under the jealousies prevailing against the General Government, at the adoption of the constitution, the States meant to surrender the authority of preserving order, of enforcing moral duties and restraining vice, within their own territory? And this is the present case, that of Cohen being under the ancient and general law of gaming. Can any good be effected by taking from the States the moral rule of their citizens, and subordinating it to the general authority, or to one of their corporations, which may justify forcing the meaning of words, hunting after possible constructions, and hanging inference on inference, from heaven to earth, like Jacob's ladder? Such an intention was impossible, and such a licentiousness of construction and inference, if exercised by both governments, as may be done with equal right, would equally authorize both to claim all power, general and particular, and break up the foundations of the Union. Laws are made for men of ordinary understanding, and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties, which may make anything mean everything or nothing, at pleasure. It should be left to the sophisms of advocates, whose trade it is, to prove that a defendant is a plaintiff, though dragged into court, *torto collo*, like Bonaparte's volunteers, into the field in chains, or that a power has been given, because it ought to have been given, *et alia talia*. The States supposed that by their tenth amendment, they had secured themselves against constructive powers. They were not lessoned yet by Cohen's case, nor aware of the slipperiness of the eels of the law. I ask for no straining of words against the General Government, nor yet against the States. I believe the States can best govern our home concerns, and the General Government our foreign ones. I wish, therefore, to see maintained that wholesome distribution of powers established by the constitution for the limitation of both; and never to see all offices transferred to

Washington, where, further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market.

But the Chief Justice says, "there must be an ultimate arbiter somewhere." True, there must; but does that prove it is either party? The ultimate arbiter is the people of the Union, assembled by their deputies in convention, at the call of Congress, or of two-thirds of the States. Let them decide to which they mean to give an authority claimed by two of their organs. And it has been the peculiar wisdom and felicity of our constitution, to have provided this peaceable appeal, where that of other nations is at once to force.

I rejoice in the example you set of *seriatim* opinions. I have heard it often noticed, and always with high approbation. Some of your brethren will be encouraged to follow it occasionally, and in time, it may be felt by all as a duty, and the sound practice of the primitive court be again restored. Why should not every judge be asked his opinion, and give it from the bench, if only by yea or nay? Besides ascertaining the fact of his opinion, which the public have a right to know, in order to judge whether it is impeachable or not, it would show whether the opinions were unanimous or not, and thus settle more exactly the weight of their authority.

The close of my second sheet warns me that it is time now to relieve you from this letter of unmerciful length. Indeed, I wonder how I have accomplished it, with two crippled wrists, the one scarcely able to move my pen, the other to hold my paper. But I am hurried sometimes beyond the sense of pain, when unbosoming myself to friends who harmonize with me in principle. You and I may differ occasionally in details of minor consequence, as no two minds, more than two faces, are the same in every feature. But our general objects are the same, to preserve the republican form and principles of our constitution and cleave to the salutary distribution of powers which that has established. These are the two sheet anchors of our Union. If driven from either, we shall be in danger of foundering. To my prayers for its safety and perpetuity, I add those for the continuation of your health, happiness, and usefulness to your country.

TO PRESIDENT MONROE.

MONTICELLO, June 23, 1823.

DEAR SIR,—I have been lately visited by a Mr. Miralla, a native of Buenos Ayres, but resident in Cuba for the last seven or eight years; a person of intelligence, of much information, and frankly communicative. I believe, indeed, he is known to you. I availed myself of the opportunity of learning what was the state of public sentiment in Cuba as to their future course. He says they would be satisfied to remain as they are; but all are sensible that that cannot be; that whenever circumstances shall render a separation from Spain necessary, a perfect independance would be their choice, provided they could see a certainty of protection; but that, without that prospect, they would be divided in opinion between an incorporation with Mexico, and with the United States.—Columbia being too remote for prompt support. The considerations in favor of Mexico are that the Havana would be the emporium for all the produce of that immense and wealthy country, and of course, the medium of all its commerce; that having no ports on its eastern coast, Cuba would become the depot of its naval stores and strength, and, in effect, would, in a great measure, have the sinews of the government in its hands. That in favor of the United States is the fact that three-fourths of the exportations from Havana come to the United States, that they are a settled government, the power which can most promptly succor them, rising to an eminence promising future security; and of which they would make a member of the sovereignty, while as to England, they would be only a colony, subordinated to her interest, and that there is not a man in the island who would not resist her to the bitterest extremity. Of this last sentiment I had not the least idea at the date of my late letters to you. I had supposed an English interest there quite as strong as that of the United States, and therefore, that, to avoid war, and keep the island open to our own commerce, it would be best to join that power in mutually guaranteeing its independence. But if there is no danger of its falling into the possession

of England, I must retract an opinion founded on an error of fact. We are surely under no obligation to give her, gratis, an interest which she has not; and the whole inhabitants being averse to her, and the climate mortal to strangers, its continued military occupation by her would be impracticable. It is better then to lie still in readiness to receive that interesting incorporation when solicited by herself. For, certainly, her addition to our confederacy is exactly what is wanting to round our power as a nation to the point of its utmost interest.

I have thought it my duty to acknowledge my error on this occasion, and to repeat a truth before acknowledged, that, retired as I am, I know too little of the affairs of the world to form opinions of them worthy of any attention; and I resign myself with reason, and perfect confidence to the care and guidance of those to whom the helm is committed. With this assurance, accept that of my constant and affectionate friendship and respect.

TO GEORGE TICKNOR.

MONTICELLO, July 16, 1823.

DEAR SIR,—I received in due time your favor of June 16th, and with it your Syllabus of lectures on Spanish literature. I have considered this with great interest and satisfaction, as it gives me a model of course I wish to see pursued in the different branches of instruction in our University. *i. e.* a methodical, critical, and profound explanation by way of protection of every science we propose to teach. I am not fully informed of the practices at Harvard, but there is one from which we shall certainly vary, although it has been copied, I believe, by nearly every college and academy in the United States. That is, the holding the students all to one prescribed course of reading, and disallowing exclusive application to those branches only which are to qualify them for the particular vocations to which they are destined. We shall, on the contrary, allow them uncontroled choice in the lectures they shall choose to attend, and requir

elementary qualification only, and sufficient age. Our institution will proceed on the principle of doing all the good it can without consulting its own pride or ambition; of letting every one come and listen to whatever he thinks may improve the condition of his mind. The rock which I most dread is the discipline of the institution, and it is that on which most of our public schools labor. The insubordination of our youth is now the greatest obstacle to their education. We may lessen the difficulty, perhaps, by avoiding too much government, by requiring no useless observances, none which shall merely multiply occasions for dissatisfaction, disobedience and revolt by referring to the more discreet of themselves the minor discipline, the graver to the civil magistrates, as in Edinburg. On this head I am anxious for information of the practices of other places, having myself had little experience of the government of youth. I presume there are printed codes of the rules of Harvard, and if so, you would oblige me by sending me a copy, and of those of any other academy which you think can furnish anything useful. You flatter me with a visit "as soon as you learn that the University is fairly opened." A visit from you at any time will be the most welcome possible to all our family, who remember with peculiar satisfaction the pleasure they received from your former one. But were I allowed to name the time, it should not be deferred beyond the autumn of the ensuing year. Our last building, and that which will be the principal ornament and keystone, giving unity to the whole, will then be nearly finished, and afford you a gratification compensating the trouble of the journey. We shall then, also, be engaged in our code of regulations preparatory to our opening, which may, perhaps, take place in the beginning of 1825. There is no person from whose information of the European institutions, and especially their discipline, I should expect so much aid in that difficult work. Come, then, dear Sir, at that, or any earlier epoch, and give to our institution the benefit of your counsel. I know that you scout, as I do, the idea of any rivalship. Our views are Catholic for the improvement of our country by science, and indeed, it is better

even for your own University to have its yoke natè at this distance, rather than to force a nearer one from the increasing necessity for it. And how long before we may expect others in the southern, western, and middle regions of this vast country?

I send you by mail a print of the ground-plan of our institution; it may give you some idea of its distribution and conveniences, but not of its architecture, which being chastely classical, constitutes one of its distinguishing characters. I am much indebted for your kind attentions to Mr. Harrison; he is a youth of promise. I could not deny myself the gratification of communicating to his father the part of your letter respecting him.

Our family all join me in assurances of our friendly esteem and great respect.

JOHN ADAMS TO THOMAS JEFFERSON.

QUINCY, August 15, 1823.

Watchman, what of the night? Is darkness that may be felt, to prevail over the whole world? or can you perceive any rays of a returning dawn? Is the devil to be the "Lord's anointed" over the whole globe? or do you foresee the fulfilment of the prophecies according to Dr. Priestley's interpretation of them? I know not, but I have in some of my familiar, and frivolous letters to you, told the story four times over; but if I have, I never applied it so well as now.

Not long after the denouement of the tragedy of Louis XVI, when I was Vice-President, my friend the Doctor came to breakfast with me alone; he was very sociable, very learned and eloquent, on the subject of the French revolution. It was opening a new era in the world, and presenting a near view of the millennium. I listened; I heard with great attention and perfect *sang froid.* At last I asked the Doctor. Do you really believe the French will establish a free democratical government in France? He answered: I do firmly believe it. Will you give me leave to ask you upon what grounds you entertain this

opinion? Is it from anything you ever read in history? Is there any instance of a Roman Catholic monarchy of five and twenty millions at once converted into a free and national people? No. I know of no instance like it. Is there anything in your knowledge of human nature, derived from books, or experience, that any nation, ancient or modern, consisting of such multitudes of ignorant people, ever were, or ever can be converted suddenly into materials capable of conducting a free government, especially a democratical republic? No—I know nothing of the kind. Well then, Sir, what is the ground of your opinion? The answer was, my opinion is founded altogether upon revelation, and the prophecies. I take it that the ten horns of the great beast in revelations, mean the ten crowned heads of Europe; and that the execution of the King of France, is the falling off of the first of those horns; and the nine monarchies of Europe will fall one after another in the same way. Such was the enthusiasm of that great man, that reasoning machine. After all, however, he did recollect himself so far as to say: There is, however, a possibility of doubt; for I read yesterday a book put into my hands, by a gentleman, a volume of travels written by a French gentleman in 1659; in which he says he had been travelling a whole year in England; into every part of it, and conversed freely with all ranks of people; he found the whole nation earnestly engaged in discussing and contriving a form of government for their future regulations; there was but one point in which they all agreed, and in that they were unanimous: that monarchy, nobility, and prelacy never would exist in England again. The Doctor paused; and said: Yet, in the very next year, the whole nation called in the King and run mad with nobility, monarchy, and prelacy. I am no King killer; merely because they are Kings. Poor creatures; they know no better; they believe sincerely and conscientiously that God made them to rule the world. I would not, therefore, behead them, or send them to St. Helena, to be treated as Bonaparte was; but I would shut them up like the man in the iron mask; feed them well, give them as much finery as they pleased, until they could be converted to right reason and

common sense. I have nothing to communicate from this part of the country, except that you must not be surprised if you hear something wonderful in Boston before long. With my profound respects for your family, and half a century's affection for yourself, I am your humble servant.

TO JAMES MADISON.

MONTICELLO, August 30, 1823.

DEAR SIR,—I received the enclosed letters from the President with a request, that after perusal I would forward them to you for perusal by yourself also, and to be returned then to him.

You have doubtless seen Timothy Pickerings' fourth of July observations on the Declaration of Independence. If his principles and prejudices, personal and political, gave us no reason to doubt whether he had truly quoted the information he alleges to have received from Mr. Adams, I should then say, that in some of the particulars, Mr. Adams' memory has led him into unquestionable error. At the age of eighty-eight, and forty-seven years after the transactions of Independence, this is not wonderful. Nor should I, at the age of eighty, on the small advantage of that difference only, venture to oppose my memory to his, were it not supported by written notes, taken by myself at the moment and on the spot. He says, "the committee of five, to wit, Dr. Franklin, Sherman, Livingston, and ourselves, met, discussed the subject, and then appointed him and myself to make the draught; that we, as a sub-committee, met, and after the urgencies of each on the other, I consented to undertake the task; that the draught being made, we, the sub-committee, met, and conned the paper over, and he does not remember that he made or suggested a single alteration." Now these details are quite incorrect The committee of five met; no such thing as a sub-committee was proposed, but they unanimously pressed on myself alone to undertake the draught. I consented; I drew it; but before I reported it to the committee, I communicated it *separately*

to Dr. Franklin and Mr. Adams, requesting their corrections, because they were the two members of whose judgments and amendments I wished most to have the benefit, before presenting it to the committee; and you have seen the original paper now in my hands, with the corrections of Dr. Franklin and Mr. Adams interlined in their own hand writings. Their alterations were two or three only, and merely verbal. I then wrote a fair copy. reported it to the committee, and from them, unaltered, to Congress. This personal communication and consultation with Mr. Adams, he has misremembered into the actings of a sub-committee. Pickering's observations, and Mr. Adams' in addition, "that it contained no new ideas, that it is a common-place compilation, its sentiments hacknied in Congress for two years before, and its essence contained in Otis' pamphlet," may all be true. Of that I am not to be the judge. Richard Henry Lee charged it as copied from Locke's treatise on government. Otis' pamphlet I never saw, and whether I had gathered my ideas from reading or reflection I do not know. I know only that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether, and to offer no sentiment which had ever been expressed before. Had Mr. Adams been so restrained, Congress would have lost the benefit of his bold and impressive advocations of the rights of Revolution. For no man's confident and fervid addresses, more than Mr. Adams', encouraged and supported us through the difficulties surrounding us, which, like the ceaseless action of gravity weighed on us by night and by day. Yet, on the same ground, we may ask what of these elevated thoughts was new, or can be affirmed never before to have entered the conceptions of man?

Whether, also, the sentiments of Independence, and the reasons for declaring it, which make so great a portion of the instrument, had been hackneyed in Congress for two years before the 4th of July, '76, or this dictum also of Mr. Adams be another slip of memory, let history say. This, however, I will say for Mr. Adams, that he supported the Declaration with zeal and ability, fighting fearlessly for every word of it. As to myself, I thought it a duty

to be, on that occasion, a passive auditor of the opinions of others, more impartial judges than I could be, of its merits or demerits. During the debate I was sitting by Doctor Franklin, and he observed that I was writhing a little under the acrimonious criticisms on some of its parts; and it was on that occasion, that by way of comfort, he told me the story of John Thompson, the hatter, and his new sign.

Timothy thinks the instrument the better for having a fourth of it expunged. He would have thought it still better, had the other three-fourths gone out also, all but the single sentiment (the only one he approves), which recommends friendship to his dear England, whenever she is willing to be at peace with us. His insinuations are, that although "the high tone of the instrument was in unison with the warm feelings of the times, this sentiment of habitual friendship to England should never be forgotten, and that the duties it enjoins should *especially* be borne in mind on every celebration of this anniversary." In other words, that the Declaration, as being a libel on the government of England, composed in times of passion, should now be buried in utter oblivion, to spare the feelings of our English friends and Angloman fellow-citizens. But it is not to wound them that we wish to keep it in mind; but to cherish the principles of the instrument in the bosoms of our own citizens: and it is a heavenly comfort to see that these principles are yet so strongly felt, as to render a circumstance so trifling as this little lapse of memory of Mr. Adams," worthy of being solemnly announced and supported at an anniversary assemblage of the nation on its birthday. In opposition, however, to Mr. Pickering, I pray God that these principles may be eternal, and close the prayer with my affectionate wishes for yourself of long life, health and happiness.

TO JOHN ADAMS.

MONTICELLO, September 4, 1823.

DEAR SIR,—Your letter of August the 15th was received in due time, and with the welcome of everything which comes from you. With its opinions on the difficulties of revolutions from despotism to freedom, I very much concur. The generation which commences a revolution rarely completes it. Habituated from their infancy to passive submission of body and mind to their kings and priests, they are not qualified when called on to think and provide for themselves; and their inexperience, their ignorance and bigotry make them instruments often, in the hands of the Bonapartes and Iturbides, to defeat their own rights and purposes. This is the present situation of Europe and Spanish America. But it is not desperate. The light which has been shed on mankind by the art of printing, has eminently changed the condition of the world. As yet, that light has dawned on the middling classes only of the men in Europe The kings and the rabble, of equal ignorance, have not yet received its rays; but it continues to spread, and while printing is preserved, it can no more recede than the sun return on his course. A first attempt to recover the right of self-government may fail, so may a second, a third, &c. But as a younger and more instructed race comes on, the sentiment becomes more and more intuitive, and a fourth, a fifth, or some subsequent one of the ever renewed attempts will ultimately succeed. In France, the first effort was defeated by Robespierre, the second by Bonaparte, the third by Louis XVIII. and his holy allies: another is yet to come, and all Europe, Russia excepted, has caught the spirit; and all will attain representative government, more or less perfect. This is now well understood to be a necessary check on kings, whom they will probably think it more prudent to chain and tame, than to exterminate. To attain all this, however, rivers of blood must yet flow, and years of desolation pass over; yet the object is worth rivers of blood, and years of desolation. For what inheritance so valuable, can man leave to

his posterity? The spirit of the Spaniard, and his deadly and eternal hatred to a Frenchman, give me much confidence that he will never submit, but finally defeat this atrocious violation of the laws of God and man, under which he is suffering; and the wisdom and firmness of the Cortes, afford reasonable hope, that that nation will settle down in a temperate representative government, with an executive properly subordinated to that. Portugal, Italy, Prussia, Germany, Greece, will follow suit. You and I shall look down from another world on these glorious achievements to man, which will add to the joys even of heaven.

I observe your toast of Mr. Jay on the 4th of July, wherein you say that the omission of his signature to the Declaration of Independence was by *accident*. Our impressions as to this fact being different, I shall be glad to have mine corrected, if wrong. Jay, you know, had been in constant opposition to our laboring majority. Our estimate at the time was, that he, Dickinson and Johnson of Maryland, by their ingenuity, perseverance and partiality to our English connection, had constantly kept us a year behind where we ought to have been in our preparations and proceedings. From about the date of the Virginia instructions of May the 15th, 1776, to declare Independence, Mr. Jay absented himself from Congress, and never came there again until December, 1778. Of course, he had no part in the discussions or decision of that question. The instructions to their Delegates by the Convention of New York, then sitting, to sign the Declaration, were presented to Congress on the 15th of July only, and on that day the journals show the absence of Mr. Jay, by a letter received from him, as they had done as early as the 29th of May by another letter. And I think he had been omitted by the convention on a new election of Delegates, when they changed their instructions. Of this last fact, however, having no evidence but an ancient impression, I shall not affirm it. But whether so or not, no agency of *accident* appears in the case. This error of fact, however, whether yours or mine, is of little

consequence to the public. But truth being as cheap as error, it is as well to rectify it for our own satisfaction.

I have had a fever of about three weeks, during the last and preceding month, from which I am entirely recovered except as to strength.

TO WILLIAM SHORT.

MONTICELLO, September 8, 1823.

DEAR SIR,—Your favor of July 28th, from Avon, came to hand on the 10th of August, and I have delayed answering it on the presumption of your continued absence, but the approach of the season of frost in that region has probably before this time turned you about to the south. I readily conceive that by the time of your return to Philadelphia, you will have had travelling enough for the present, and therefore acquiesce in your proposition to give us the next season. Your own convenience is a sufficient reason, and an auxiliary one is that we shall then have more for you to see and approve. By that time, our rotunda, (the walls of which will be finished this month) will have received its roof, and will show itself externally to some advantage. Its columns only will be wanting, as they must await their capitals from Italy. We have just received from thence, and are now putting up, the marble capitals of the buildings we have already erected, which completes our whole system, except the rotunda and its adjacent gymnasia. All are now ready to receive their occupants, and should the legislature, at their next session, liberate our funds as is hoped, we shall ask but one year more to procure our professors, for most of whom we must go to Europe. In your substitution of Monticello instead of your annual visit to Black Rock, I will engage you equal health, and a more genial and pleasant climate; but instead of the flitting, flirting, and gay assemblage of that place, you must be contented with the plain and sober family and neighborly society, with the assurance that you shall hear no wrangling about the next president, although the excitement on that subject will then be at its

acme. Numerous have been the attempts to entangle me in that imbroglio. But at the age of eighty, I seek quiet and abjure contention. I read but a single newspaper, Ritchie's Enquirer, the best that is published or ever has been published in America. You should read it also, to keep yourself *au fait* of your own State, for we still claim you as belonging to us. A city life offers you indeed more means of dissipating time, but more frequent, also, and more painful objects of vice and wretchedness. New York, for example, like London, seems to be a Cloacina of all the depravities of human nature. Philadelphia doubtless has its share. Here, on the contrary, crime is scarcely heard of, breaches of order rare, and our societies, if not refined, are rational, moral, and affectionate at least. Our only blot is becoming less offensive by the great improvement in the condition and civilization of that race, who can now more advantageously compare their situation with that of the laborers of Europe. Still it is a hideous blot, as well from the heteromorph peculiarities of the race, as that, with them, physical compulsion to action must be substituted for the moral necessity which constrains the free laborers to work equally hard. We feel and deplore it morally and politically, and we look without entire despair to some redeeming means not yet specifically foreseen. I am happy in believing that the conviction of the necessity of removing this evil gains ground with time. Their emigration to the westward lightens the difficulty by dividing it, and renders it more practicable on the whole. And the neighborhood of a government of their color promises a more accessible asylum than that from whence they came. Ever and affectionately yours.

TO MR. THOMAS EARLE.

MONTICELLO, September 24, 1823.

SIR,—Your letter of August 28th, with the pamphlet accompanying it, was not received until the 18th instant.

That our Creator made the earth for the use of the living and

not of the dead; that those who exist not can have no use nor right in it, no authority or power over it; that one generation of men cannot foreclose or burthen its use to another, which comes to it in its own right and by the same divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts; these deriving their obligation from the will of the existing majority, and that majority being removed by death, another comes in its place with a will equally free to make its own laws and contracts; these are axioms so self-evident that no explanation can make them plainer; for he is not to be reasoned with who says that non-existence can control existence, or that nothing can move something. They are axioms also pregnant with salutary consequences. The laws of civil society indeed for the encouragement of industry, give the property of the parent to his family on his death, and in most civilized countries permit him even to give it, by testament, to whom he pleases. And it is also found more convenient to suffer the laws of our predecessors to stand on our implied assent, as if positively re-enacted, until the existing majority positively repeals them. But this does not lessen the right of that majority to repeal whenever a change of circumstances or of will calls for it. Habit alone confounds what is civil practice with natural right.

On the merits of the pamphlet I say nothing of course; having found it necessary to decline giving opinions on books even when desired. For the functions of a reviewer, I have neither time, talent, nor inclination, and I trust that on reflection your indulgence will not think unreasonable my unwillingness to embark in an office of so little enticement. With my thanks for the pamphlet, be pleased to accept the assurance of my great respect.

TO MR. HUGH P. TAYLOR.

MONTICELLO, October 4, 1823.

SIR,—You must, I think, have somewhat misunderstood what I may have said to you as to manuscripts in my possession re-

lating to the antiquities, and particularly the Indian antiquities of our country. The only manuscripts I now possess are some folio volumes, two of these are the proceedings of the Virginia Company in England; the remaining four are of the Records of the Council of Virginia from 1622 to 1700. The account of the two first volumes you will see in the preface to Stith's History of Virginia. They contain the records of the Virginia company, copied from the originals, under the eye, if I recollect rightly, of the Earl of Southampton, a member of the company, bought at the sale of his library by Doctor Byrd, of Westover, and sold with that library to Isaac Zane. These volumes happened at the time of the sale, to have been borrowed by Colonel R. Bland, whose library I bought, and with this, they were sent to me. I gave notice of it to Mr. Zane, but he never reclaimed them. I shall deposit them in the library of the university, where they will be most likely to be preserved with care. The other four volumes, I am confident, are the original office records of the council. My conjectures are that when Sr. John Randolph was about to begin the History of Virginia which he meant to write, he borrowed these volumes from the council office, to collect from them materials for his work. He died before he had made any progress in that work, and they remained in his library, probably unobserved, during the whole life of the late Peyton Randolph, his son; from his executors I purchased his library in a lump, and these volumes were sent to me as a part of it. I found the leaves so rotten as often to crumble into dust on being handled; I bound them, therefore, together, that they might not be unnecessarily opened, and have thus preserved them forty-seven years. If my conjectures are right, they must have been out of the public office about eighty years. I shall deposit them also with the others in the same library of the university, where they will be safer from injury than in a public office. I have promised, however, to trust them to Mr. Hennig, if he will copy and publish them when he shall have finished his collection of the laws. For this he is peculiarly qualified, as well by his diligence as by his familiarity with our ancient manuscript

characters, a familiarity very necessary for decyphering these volumes.

I agree with you that it is the duty of every good citizen to use all the opportunities which occur to him, for preserving documents relating to the history of our country. That I have not been remiss in this while I had youth, health, and opportunity, is proved otherwise, as well as by the materials I furnished towards Mr. Hening's invaluable collection of the laws of our country; but there is a time, and that time is come with me, when these duties are no more, when age and the wane of mind and memory, and the feebleness of the powers of life pass them over as a legacy to younger hands. I write now slowly, laboriously, painfully. I am obliged, therefore, to decline all correspondence which some moral duty does not urgently call on me to answer. I always trust that those who write them will read their answer in my age and silence, and see in these a manifestation that I am done with writing letters. I am sorry, therefore, that I am not able to give any aid to the work you contemplate, other than my best wishes for its success, and to these I add the assurance of of my great respect.

TO JOHN ADAMS.

MONTICELLO, October 12, 1823.

DEAR SIR,—I do not write with the ease which your letter of September the 18th supposes. Crippled wrists and fingers make writing slow and laborious. But while writing to you, I lose the sense of these things in the recollection of ancient times, when youth and health made happiness out of everything. I forget for a while the hoary winter of age, when we can think of nothing but how to keep ourselves warm, and how to get rid of our heavy hours until the friendly hand of death shall rid us of all at once. Against this *tedium vitæ*, however, I am fortunately mounted on a hobby, which, indeed, I should have better managed some thirty or forty years ago; but whose easy amble

is still sufficient to give exercise and amusement to an octogenary rider. This is the establishment of a University, on a scale more comprehensive, and in a country more healthy and central than our old William and Mary, which these obstacles have long kept in a state of languor and inefficiency. But the tardiness with with such works proceed, may render it doubtful whether I shall live to see it go into action.

Putting aside these things, however, for the present, I write this letter as due to a friendship coeval with our government, and now attempted to be poisoned, when too late in life to be replaced by new affections. I had for sometime observed in the public papers, dark hints and mysterious inuendoes of a correspondence of yours with a friend, to whom you had opened your bosom without reserve, and which was to be made public by that friend or his representative. And now it is said to be actually published. It has not yet reached us, but extracts have been given, and such as seemed most likely to draw a curtain of separation between you and myself. Were there no other motive than that of indignation against the author of this outrage on private confidence, whose shaft seems to have been aimed at yourself more particularly, this would make it the duty of every honorable mind to disappoint that aim, by opposing to its impression a seven-fold shield of apathy and insensibility. With me, however, no such armor is needed. The circumstances of the times in which we have happened to live, and the partiality of our friends at a particular period, placed us in a state of apparent opposition, which some might suppose to be personal also; and there might not be wanting those who wished to make it so, by filling our ears with malignant falsehoods, by dressing up hideous phantoms of their own creation, presenting them to you under my name, to me under yours, and endeavoring to instil into our minds things concerning each other the most destitute of truth. And if there had been, at any time, a moment when we were off our guard, and in a temper to let the whispers of these people make us forget what we had known of each other for so many years, and years of so much trial, yet all men

who have attended to the workings of the human mind, who have seen the false colors under which passion sometimes dresses the actions and motives of others, have seen also those passions subsiding with time and reflection, dissipating like mists before the rising sun, and restoring to us the sight of all things in their true shape and colors. It would be strange indeed, if, at our years, we were to go back an age to hunt up imaginary or forgotten facts, to disturb the repose of affections so sweetening to the evening of our lives. Be assured, my dear Sir, that I am incapable of receiving the slightest impression from the effort now made to plant thorns on the pillow of age, worth and wisdom, and to sow tares between friends who have been such for near half a century. Beseeching you then, not to suffer your mind to be disquieted by this wicked attempt to poison its peace, and praying you to throw it by among the things which have never happened, I add sincere assurances of my unabated and constant attachment, friendship and respect.

TO THE PRESIDENT.

MONTICELLO, October 24, 1823.

DEAR SIR,—The question presented by the letters you have sent me, is the most momentous which has ever been offered to my contemplation since that of Independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark on it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicil of despotism, our endeavor should surely be, to make our hemisphere that of freedom. One

nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition, we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger long in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world. With her then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars. But the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system, of keeping out of our land all foreign powers, of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it. And if, to facilitate this, we can effect a division in the body of the European powers, and draw over to our side its most powerful member, surely we should do it. But I am clearly of Mr. Canning's opinion, that it will prevent instead of provoking war. With Great Britain withdrawn from their scale and shifted into that of our two continents, all Europe combined would not undertake such a war. For how would they propose to get at either enemy without superior fleets? Nor is the occasion to be slighted which this proposition offers, of declaring our protest against the atrocious violations of the rights of nations, by the interference of any one in the internal affairs of another, so flagitiously begun by Bonaparte, and now continued by the equally lawless Alliance, calling itself Holy.

But we have first to ask ourselves a question. Do we wish to acquire to our own confederacy any one or more of the Spanish provinces? I candidly confess, that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this

island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being. Yet, as I am sensible that this can never be obtained, even with her own consent, but by war; and its independence, which is our second interest, (and especially its independence of England,) can be secured without it, I have no hesitation in abandoning my first wish to future chances, and accepting its independence, with peace and the friendship of England, rather than its association, at the expense of war and her enmity.

I could honestly, therefore, join in the declaration proposed, that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country; but that we will oppose, with all our means, the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially, their transfer to any power by conquest, cession, or acquisition in any other way. I should think it, therefore, advisable, that the Executive should encourage the British government to a continuance in the dispositions expressed in these letters, by an assurance of his concurrence with them as far as his authority goes; and that as it may lead to war, the declaration of which requires an act of Congress, the case shall be laid before them for consideration at their first meeting, and under the reasonable aspect in which it is seen by himself.

I have been so long weaned from political subjects, and have so long ceased to take any interest in them, that I am sensible I am not qualified to offer opinions on them worthy of any attention. But the question now proposed involves consequences so lasting, and effects so decisive of our future destinies, as to rekindle all the interest I have heretofore felt on such occasions, and to induce me to the hazard of opinions, which will prove only my wish to contribute still my mite towards anything which may be useful to our country. And praying you to accept it at only what it is worth, I add the assurance of my constant and affectionate friendship and respect.

TO M. CORAY.

MONTICELLO, October 31, 1823

DEAR SIR,—Your favor of July 10th is lately received. I recollect with pleasure the short opportunity of acquaintance with you afforded me in Paris, by the kindness of Mr. Paradise, and the fine editions of the classical writers of Greece which have been announced by you from time to time, have never permitted me to lose the recollection. Until those of Aristotle's Ethics, and the Strategicos of Onesander, with which you have now favored me, and for which I pray you to accept my thanks, I had seen only your Lives of Plutarch. These I had read, and profited much by your valuable Scholia, and the aid of a few words from a modern Greek dictionary would, I believe, have enabled me to read your patriotic addresses to your countrymen.

You have certainly begun at the right end towards preparing them for the great object they are now contending for, by improving their minds and qualifying them for self-government. For this they will owe you lasting honors. Nothing is more likely to forward this object than a study of the fine models of science left by their ancestors, to whom *we* also are all indebted for the lights which originally led ourselves out of Gothic darkness.

No people sympathize more feelingly than ours with the sufferings of your countrymen, none offer more sincere and ardent prayers to heaven for their success. And nothing indeed but the fundamental principle of our government, never to entangle us with the broils of Europe, could restrain our generous youth from taking some part in this holy cause. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be. Not, indeed, that the forms of government adapted to their age and country are practicable or to be imitated in our day, although prejudices in their favor would be natural enough to your people. The circumstances of the world are too much changed for that.

The government of Athens, for example, was that of the people of one city making laws for the whole country subjected to them. That of Lacedæmon was the rule of military monks over the laboring class of the people, reduced to abject slavery. These are not the doctrines of the present age. The equal rights of man, and the happiness of every individual, are now acknowledged to be the only legitimate objects of government. Modern times have the signal advantage, too, of having discovered the only device by which these rights can be secured, to-wit: government by the people, acting not in person, but by representatives chosen by themselves, that is to say, by every man of ripe years and sane mind, who either contributes by his purse or person to the support of his country. The small and imperfect mixture of representative government in England, impeded as it is by other branches, aristocratical and hereditary, shows yet the power of the representative principle towards improving the condition of man. (With us, all the branches of the government are elective by the people themselves, except the Judiciary, of whose science and qualifications they are not competent judges. Yet, even in that department, we call in a jury of the people to decide all controverted matters of fact, because to that investigation they are entirely competent, leaving thus as little as possible, merely the law of the case, to the decision of the judges.) And true it is that the people, especially when moderately instructed, are the only safe, because the only honest, depositories of the public rights, and should therefore be introduced into the administration of them in every function to which they are sufficient; they will err sometimes and accidentally, but never designedly, and with a systematic and persevering purpose of overthrowing the free principles of the government. Hereditary bodies, on the contrary, always existing, always on the watch for their own aggrandizement, profit of every opportunity of advancing the privileges of their order, and encroaching on the rights of the people.

The public papers tell us that your nation has established a government of some kind, without informing us what it is. This

is certainly necessary for the direction of the war, but I presume it is intended to be temporary only, as a permanent constitution must be the work of quiet, leisure, much inquiry, and great deliberation. The extent of our country was so great, and its former division into distinct States so established, that we thought it better to confederate as to foreign affairs only. Every State retained its self-government in domestic matters, as better qualified to direct them to the good and satisfaction of their citizens, than a general government so distant from its remoter citizens, and so little familiar with the local peculiarities of the different parts. But I presume that the extent of country with you, which may liberate itself from the Turks, is not too large to be associated under a single government, and that the particular constitutions of our several States, therefore, and not that of our federal government, will furnish the basis best adapted to your situation. There are now twenty-four of these distinct States, none smaller perhaps than your Morea, several larger than all Greece. Each of these has a constitution framed by itself and for itself, but militating in nothing with the powers of the general government in its appropriate department of war and foreign affairs. These constitutions being in print and in every hand, I shall only make brief observations on them, and on those provisions particularly which have not fulfilled expectations, or which, being varied in different States, leave a choice to be made of that which is best. You will find much good in all of them, and no one which would be approved in all its parts. Such indeed are the different circumstances, prejudices, and habits of different nations, that the constitution of no one would be reconcilable to any other in every point. A judicious selection of the parts of each suitable to any other, is all which prudence should attempt; this will appear from a review of some parts of our constitutions.

Our executives are elected by the people for terms of one, two, three, or four years, under the names of governors or presidents, and are reëligible a second time, or after a certain term, if approved by the people. May your Ethnarch be elective also? or does your position among the warring powers of Europe need an

office more permanent, and a leader more stable? Surely you will make him single. For if experience has ever taught a truth, it is that a plurality in the supreme executive will forever split into discordant factions, distract the nation, annihilate its energies, and force the nation to rally under a single head, generally an usurper. We have, I think, fallen on the happiest of all modes of constituting the executive, that of easing and aiding our President, by permitting him to choose Secretaries of State, of finance, of war, and of the navy, with whom he may advise, either separately or all together, and remedy their divisions by adopting or controling their opinions at his discretion; this saves the nation from the evils of a divided will, and secures to it a steady march in the systematic course which the president may have adopted for that of his administration.

Our legislatures are composed of two houses, the senate and representatives, elected in different modes, and for different periods, and in some States, with a qualified veto in the executive chief. But to avoid all temptation to superior pretensions of the one over the other house, and the possibility of either erecting itself into a privileged order, might it not be better to choose at the same time and in the same mode, a body sufficiently numerous to be divided by lot into two separate houses, acting as independently as the two houses in England, or in our governments, and to shuffle their names together and re-distribute them by lot, once a week for a fortnight? This would equally give the benefit of time and separate deliberation, guard against an absolute passage by acclamation, derange cabals, intrigues, and the count of noses, disarm the ascendency which a popular demagogue might at anytime obtain over either house, and render impossible all disputes between the two houses, which often form such obstacles to business.

Our different States have differently modified their several judiciaries as to the tenure of office. Some appoint their judges for a given term of time; some continue them *during good behavior*, and that to be determined on by the concurring vote of *two-thirds* of each legislative house. In England they are re-

movable by a *majority* only of each house. The last is a practicable remedy; the second is not. The combination of the friends and associates of the accused, the action of personal and party passions, and the sympathies of the human heart, will forever find means of influencing one-third of either the one or the other house, will thus secure their impunity, and establish them in fact for life. The first remedy is the best, that of appointing for a term of years only, with a capacity of re-appointment if their conduct has been approved. At the establishment of our constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, by little and little, the foundations of the constitution, and working its change by construction, before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life, if secured against all liability to account.

The constitutions of some of our States have made it a duty of their government to provide with due care for the public education. This we divide into three grades. 1. Primary schools, in which are taught reading, writing, and common arithmetic, to every infant of the State, male and female. 2. Intermediate schools, in which an education is given proper for artificers and the middle vocations of life; in grammar, for example, general history, logarithms, arithmetic, plain trigonometry, mensuration, the use of the globes, navigation, the mechanical principles, the elements of natural philosophy, and, as a preparation for the University, the Greek and Latin languages. 3. An University, in which these and all other useful sciences shall be taught in their highest degree; the expenses of these institutions are defrayed partly by the public, and partly by the individuals profiting of them.

But, whatever be the constitution, great care must be taken to provide a mode of amendment, when experience or change of circumstances shall have manifested that any part of it is unadapted to the good of the nation. In some of our States it requires a new authority from the whole people, acting by their representatives, chosen for this express purpose, and assembled in convention. This is found too difficult for remedying the imperfections which experience develops from time to time in an organization of the first impression. A greater facility of amendment is certainly requisite to maintain it in a course of action accommodated to the times and changes through which we are ever passing. In England the constitution may be altered by a single act of the legislature, which amounts to the having no constitution at all. In some of our States, an act passed by two different legislatures, chosen by the people, at different and successive elections, is sufficient to make a change in the constitution. As this mode may be rendered more or less easy, by requiring the approbation of fewer or more successive legislatures, according to the degree of difficulty thought sufficient, and yet safe, it is evidently the best principle which can be adopted for constitutional amendments.

I have stated that the constitutions of our several States vary more or less in some particulars. But there are certain principles in which all agree, and which all cherish as vitally essential to the protection of the life, liberty, property, and safety of the citizen.

1. Freedom of religion, restricted only from *acts* of trespass on that of others.

2. Freedom of person, securing every one from imprisonment, or other bodily restraint, but by the laws of the land. This is effected by the well-known law of *habeas corpus*.

3. Trial by jury, the best of all safe-guards for the person, the property, and the fame of every individual.

4. The exclusive right of legislation and taxation in the representatives of the people.

5. Freedom of the press, subject only to liability for personal

injuries. This formidable censor of the public functionaries, by arraigning them at the tribunal of public opinion, produces reform peaceably, which must otherwise be done by revolution. It is also the best instrument for enlightening the mind of man, and improving him as a rational, moral, and social being.

I have thus, dear Sir, according to your request, given you some thoughts on the subject of national government. They are the result of the observations and reflections of an octogenary, who has passed fifty years of trial and trouble in the various grades of his country's service. They are yet but outlines which you will better fill up, and accommodate to the habits and circumstances of your countrymen. Should they furnish a single idea which may be useful to them, I shall fancy it a tribute rendered to the manes of your Homer, your Demosthenes, and the splendid constellation of sages and heroes, whose blood is still flowing in your viens, and whose merits are still resting, as a heavy debt, on the shoulders of the living, and the future races of men. While we offer to heaven the warmest supplications for the restoration of your countrymen to the freedom and science of their ancestors, permit me to assure yourself of the cordial esteem and high respect which I bear and cherish towards yourself personally.

TO THE MARQUIS DE LA FAYETTE.

MONTICELLO, November 4, 1823.

MY DEAR FRIEND,—Two dislocated wrists and crippled fingers have rendered writing so slow and laborious, as to oblige me to withdraw from nearly all correspondence; not however, from yours, while I can make a stroke with a pen. We have gone through too many trying scenes together, to forget the sympathies and affections they nourished.

Your trials have indeed been long and severe. When they will end, is yet unknown, but where they will end, cannot be doubted. Alliances, Holy or Hellish, may be formed, and retard

the epoch of deliverance, may swell the rivers of blood which are yet to flow, but their own will close the scene, and leave to mankind the right of self-government. I trust that Spain will prove, that a nation cannot be conquered which determines not to be so, and that her success will be the turning of the tide of liberty, no more to be arrested by human efforts. Whether the state of society in Europe can bear a republican government, I doubted, you know, when with you, and I do now. A hereditary chief, strictly limited, the right of war vested in the legislative body, a rigid economy of the public contributions, and absolute interdiction of all useless expenses, will go far towards keeping the government honest and unoppressive. But the only security of all, is in a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure.

We are all, for example, in agitation even in our peaceful country. For in peace as well as in war, the mind must be kept in motion. Who is to be the next President, is the topic here of every conversation. My opinion on that subject is what I expressed to you in my last letter. The question will be ultimately reduced to the northernmost and southernmost candidate. The former will get every federal vote in the Union, and many republicans; the latter, all of those denominated *of the old school;* for you are not to believe that these two parties are amalgamated, that the lion and the lamb are lying down together. The Hartford Convention, the victory of Orleans, the peace of Ghent, prostrated the name of federalism. Its votaries abandoned it through shame and mortification; and now call themselves re-republicans. But the name alone is changed, the principles are the same. For in truth, the parties of Whig and Tory, are those of nature. They exist in all countries, whether called by these names, or by those of Aristocrats and Democrats, Coté Droite and Coté Gauche, Ultras and Radicals, Serviles, and Liberals. The sickly, weakly, timid man, fears the people, and is a tory by nature. The healthy, strong and bold, cherishes them, and is

formed a whig by nature. On the eclipse of federalism with us, although not its extinction, its leaders got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties. which might insure them the next President. The people of the north went blindfold into the snare, followed their leaders for awhile with a zeal truly moral and laudable, until they became sensible that they were injuring instead of aiding the real interests of the slaves, that they had been used merely as tools for electioneering purposes; and that trick of hypocrisy then fell as quickly as it had been got up. To that is now succeeding a distinction, which, like that of republican and federal, or whig and tory, being equally intermixed through every State, threatens none of those geographical schisms which go immediately to a separation. The line of division now, is the preservation of State rights as reserved in the constitution, or by strained constructions of that instrument, to merge all into a consolidated government. The tories are for strengthening the executive and general Government; the whigs cherish the representative branch, and the rights reserved by the States, as the bulwark against consolidation, which must immediately generate monarchy. And although this division excites, as yet, no warmth, yet it exists, is well understood, and will be a principle of voting at the ensuing election, with the reflecting men of both parties.

I thank you much for the two books you were so kind as to send me by Mr. Gallatin. Miss Wright had before favored me with the first edition of her American work; but her "Few days in Athens," was entirely new, and has been a treat to me of the highest order. The matter and manner of the dialogue is strictly ancient; and the principles of the sects are beautifully and candidly explained and contrasted; and the scenery and portraiture of the interlocutors are of higher finish than anything in that line left us by the ancients; and like Ossian, if not ancient, it is equal to the best morsels of antiquity. I augur, from this instance, that Herculaneum is likely to furnish better specimens

of modern than of ancient genius; and may we not hope more from the same pen?

After much sickness, and the accident of a broken and disabled arm, I am again in tolerable health, but extremely debilitated, so as to be scarcely able to walk into my garden. The hebetude of age, too, and extinguishment of interest in the things around me, are weaning me from them, and dispose me with cheerfulness to resign them to the existing generation, satisfied that the daily advance of science will enable them to administer the commonwealth with increased wisdom. You have still many valuable years to give to your country, and with my prayers that they may be years of health and happiness, and especially that they may see the establishment of the principles of government which you have cherished through life, accept the assurance of my affectionate and constant friendship and respect.

TO MR. PATRICK K. RODGERS.

MONTICELLO, January 29, 1824.

SIR,—I have duly received your favor of the 14th, with a copy of your mathematical principles of natural philosophy, which I have looked into with all the attention which the rust of age and long continued avocations of a very different character permit me to exercise. I think them entirely worthy of approbation, both as to matter and method, and for their brevity as a text book; and I remark particularly the clearness and precision with which the propositions are enounced, and, in the demonstrations, the easy form in which ideas are presented to the mind, so as to be almost intuitive and self-evident. Of Cavallo's book, which you say you are enjoined to teach, I have no knowledge, having never seen it; but its character is, I think, that of mere mediocrity; and, from my personal acquaintance with the man, I should expect no more. He was heavy, capable enough of understanding what he read, and with memory to retain it, but without the talent of digestion or improvement. But, indeed, the English

generally have been very stationary in latter times, and the French, on the contrary, so active and successful, particularly in preparing elementary books, in the mathematical and natural sciences, that those who wish for instruction, without caring from what nation they get it, resort universally to the latter language. Besides the earlier and invaluable works of Euler and Bezont, we have latterly that of Lacroix in mathematics, of Legendre in geometry, Lavoisier in chemistry, the elementary works of Haüy in physics, Biot in experimental physics and physical astronomy, Dumeril in natural history, to say nothing of many detached essays of Monge and others, and the transcendent labors of Laplace, and I am informed, by a highly instructed person recently from Cambridge, that the mathmeticians of that institution, sensible of being in the rear of those of the continent, and ascribing the cause much to their too long-continued preference of the geometrical over the analyitcal methods, which the French have so much cultivated and improved, have now adopted the latter; and that they have also given up the fluxionary, for the differential calculus. To confine a school, therefore, to the obsolete work of Cavallo, is to shut out all advances in the physical sciences, which have been so great in latter times. I am glad, however, to learn from your work, and to expect from those it promised in succession, which will doubtless be of equal grade, that so good a course of instruction is pursued in William and Mary. It is very long since I have had any information of the state of education in that seminary, to which, as my *alma mater*, my attachment has been ever sincere, although not exclusive. When that college was located at the middle plantation in 1693, Charles city was a frontier county, and there were no inhabitants above the falls of the rivers, sixty miles only higher up. It was, therefore, a position, nearly central to the population, as it then was; but when the frontier became extended to the Sandy river, three hundred miles west of Williamsburg, the public convenience called, first for a removal of the seat of government, and latterly, not for a removal of the college, but, for the establishment of a new one, in a more central and healthy situation; not disturbing

the old one in its possessions or functions, but leaving them unimpaired for the benefit of those to whom it is convenient. And indeed, I do not foresee that the number of its students is likely to be much affected; because I presume that, at present, its distance and autumnal climate prevent its receiving many students from above the tide-waters, and especially from above the mountains. This is, therefore, one of the cases where the lawyers say there is *damnum absque injuriâ;* and they instance, as in point, the settlement of a new schoolmaster in the neighborhood of an old one. At any rate it is one of those cases wherein the public interest rightfully prevails, and the justice of which will be yielded to by none, I am sure, with more dutiful and candid acquiescence than the enlightened friends of our ancient and venerable institution. The only rivalship, I hope, between the old and the new, will be in doing the most good possible in their respective sections of country.

As the diagrams of your book have not been engraved, I return you the MS. of them, which must be of value to yourself. They furnish favorable specimens of the graphical talent of your former pupil. Permit me to add, that I shall always be ready and happy to receive with particular wecome the visit of which you flatter me with the hope, and to avail myself of the occasion of assuring you personally of my great respect and esteem.

TO JOSEPH C. CABELL.

MONTICELLO, February 3, 1824.

DEAR SIR,—I am favored with your two letters of January the 26th and 29th, and I am glad that yourself and the friends of the University are so well satisfied, that the provisos amendatory of the University Act are mere nullities. I had not been able to put out of my head the Algebraical equation, which was among the first of my college lessons, that a—a=0. Yet I cheerfully arrange myself to your opinions. I did not suppose, nor do I now suppose it possible, that both houses of the legislature should

ever consent, for an additional fifteen thousand dollars of revenue, to set all the Professors and students of the University adrift; and if foreigners will have the same confidence which we have in our legislature, no harm will have been done by the provisos.

You recollect that we had agreed that the Visitors who are of the legislature should fix on a certain day of meeting, after the rising of the Assembly, to put into immediate motion the measures which this act was expected to call for. You will of course remind the Governor that a re-appointment of Visitors is to be made on the day following Sunday, the 29th of this month; and as he is to appoint the day of their first meeting, it would be well to recommend to him that which our brethren there shall fix on. It may be designated by the Governor as the third, fourth, &c., day after the rising of the legislature, which will give it certainty enough.

You ask what sum would be desirable for the purchase of books and apparatus? Certainly the largest you can obtain. Forty or fifty thousand dollars would enable us to purchase the most essential books of texts and reference for the schools, and such an apparatus for mathematics, astronomy and chemistry, as may enable us to set out with tolerable competence, if we can, through the banks and otherwise, anticipate the whole sum at once.

I remark what you say on the subject of committing ourselves to any one for the law appointment. Your caution is perfectly just. I hope, and am certain, that this will be the standing law of discretion and duty with every member of our board, in this and all cases. You know we have all, from the beginning, considered the high qualifications of our professors, as the only means by which we could give to our institution splendor and pre-eminence over all its sister seminaries. The only question, therefore, we can ever ask ourselves, as to any candidate, will be, is he the most highly qualified? The college of Philadelphia has lost its character of primacy by indulging motives of favoritism and nepotism, and by conferring the appointments as if the professorships were entrusted to them as provisions for their friends. And even that of Edinburgh, you know, is also

much lowered from the same cause. We are next to observe, that a man is not qualified for a professor, knowing nothing but merely his own profession. He should be otherwise well educated as to the sciences generally; able to converse understandingly with the scientific men with whom he is associated, and to assist in the councils of the faculty on any subject of science on which they may have occasion to deliberate. Without this, he will incur their contempt, and bring disreputation on the institution. With respect to the professorship you mention, I scarcely know any of our judges personally; but I will name, for example, the late Judge Roane, who, I believe, was generally admitted to be among the ablest of them. His knowledge was confined to the common law chiefly, which does not constitute one-half of the qualification of a really learned lawyer, much less that of a professor of law for an University. And as to any other branches of science, he must have stood mute in the presence of his literary associates, or of any learned strangers or others visiting the University. Would this constitute the splendid stand we propose to take?

In the course of the trusts I have exercised through life with powers of appointment, I can say with truth, and with unspeakable comfort, that I never did appoint a relation to office, and that merely because I never saw the case in which some one did not offer, or occur, better qualified; and I have the most unlimited confidence, that in the appointment of Professors to our nursling institution, every individual of my associates will look with a single eye to the sublimation of its character, and adopt, as our sacred motto, "*detur digniori.*" In this way it will honor us, nd bless our country.

I perceive that I have permitted my reflections to run into generalities beyond the scope of the particular intimation in your letter. I will let them go, however, as a general confession of faith, not belonging merely to the present case.

Name me affectionately to our brethren with you, and be assured yourself of my constant friendship and respect.

TO JARED SPARKS.

MONTICELLO, February 4, 1824.

DEAR SIR,—I duly received your favor of the 13th, and with it, the last number of the North American Review. This has anticipated the one I should receive in course, but have not yet received, under my subscription to the new series. The article on the African colonization of the people of color, to which you invite my attention, I have read with great consideration. It is, indeed, a fine one, and will do much good. I learn from it more, too, than I had before known, of the degree of success and promise of that colony.

In the disposition of these unfortunate people, there are two rational objects to be distinctly kept in view. First. The establishment of a colony on the coast of Africa, which may introduce among the aborigines the arts of cultivated life, and the blessings of civilization and science. By doing this, we may make to them some retribution for the long course of injuries we have been committing on their population. And considering that these blessings will descend to the "*nati natorum, et qui nascentur ab illis*," we shall in the long run have rendered them perhaps more good than evil. To fulfil this object, the colony of Sierra Leone promises well, and that of Mesurado adds to our prospect of success. Under this view, the colonization society is to be considered as a missionary society, having in view, however, objects more humane, more justifiable, and less aggressive on the peace of other nations, than the others of that appellation.

The econd object, and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free and independent people, in some country and climate friendly to human life and happiness. That any place on the coast of Africa should answer the latter purpose, I have ever deemed entirely impossible. And without repeating the other arguments which have been urged

by others, I will appeal to figures only, which admit no controversy. I shall speak in round numbers, not absolutely accurate, yet not so wide from truth as to vary the result materially. There are in the United States a million and a half of people of color in slavery. To send off the whole of these at once, nobody conceives to be practicable for us, or expedient for them. Let us take twenty-five years for its accomplishment, within which time they will be doubled. Their estimated value as property, in the first place, (for actual property has been lawfully vested in that form, and who can lawfully take it from the possessors?) at an average of two hundred dollars each, young and old, would amount to six hundred millions of dollars, which must be paid or lost by somebody. To this, add the cost of their transportation by land and sea to Mesurado, a year's provision of food and clothing, implements of husbandry and of their trades, which will amount to three hundred millions more, making thirty-six millions of dollars a year for twenty-five years, with insurance of peace all that time, and it is impossible to look at the question a second time. I am aware that at the end of about sixteen years, a gradual detraction from this sum will commence, from the gradual diminution of breeders, and go on during the remaining nine years. Calculate this deduction, and it is still impossible to look at the enterprise a second time. I do not say this to induce an inference that the getting rid of them is forever impossible. For that is neither my opinion nor my hope. But only that it cannot be done in this way. There is, I think, a way in which it can be done; that is, by emancipating the afterborn, leaving them, on due compensation, with their mothers, until their services are worth their maintenance, and then putting them to industrious occupations, until a proper age for deportation. This was the result of my reflections on the subject five and forty years ago, and I have never yet been able to conceive any other practicable plan. It was sketched in the Notes on Virginia, under the fourteenth query. The estimated value of the new-born infant is so low, (say twelve dollars and fifty cents,) that it would probably be yielded by the owner gratis,

and would thus reduce the six hundred millions of dollars, the first head of expense, to thirty-seven millions and a half; leaving only the expenses of nourishment while with the mother, and of transportation. And from what fund are these expenses to be furnished? Why not from that of the lands which have been ceded by the very States now needing this relief? And ceded on no consideration, for the most part, but that of the general good of the whole. These cessions already constitute one fourth of the States of the Union. It may be said that these lands have been sold; are now the property of the citizens composing those States; and the money long ago received and expended. But an equivalent of lands in the territories since acquired, may be appropriated to that object, or so much, at least, as may be sufficient; and the object, although more important to the slave States, is highly so to the others also, if they were serious in their arguments on the Missouri question. The slave States, too, if more interested, would also contribute more by their gratuitous liberation, thus taking on themselves alone the first and heaviest item of expense.

In the plan sketched in the Notes on Virginia, no particular place of asylum was specified; because it was thought possible, that in the revolutionary state of America, then commenced, events might open to us some one within practicable distance. This has now happened. St. Domingo has become independent, and with a population of that color only; and if the public papers are to be credited, their Chief offers to pay their passage, to receive them as free citizens, and to provide them employment. This leaves, then, for the general confederacy, no expense but of nurture with the mother a few years, and would call, of course, for a very moderate appropriation of the vacant lands. Suppose the whole annual increase to be of sixty thousand effective births, fifty vessels, of four hundred tons burthen each, constantly employed in that short run, would carry off the increase of every year, and the old stock would die off in the ordinary course of nature, lessening from the commencement until its final disappearance. In this way no violation of private right is proposed.

Voluntary surrenders would probably come in as fast as the means to be provided for their care would be competent to it. Looking at my own State only, and I presume not to speak for the others, I verily believe that this surrender of property would not amount to more, annually, than half our present direct taxes, to be continued fully about twenty or twenty-five years, and then gradually diminishing for as many more until their final extinction; and even this half tax would not be paid in cash, but by the delivery of an object which they have never yet known or counted as part of their property; and those not possessing the object will be called on for nothing. I do not go into all the details of the burthens and benefits of this operation. And who could estimate its blessed effects? I leave this to those who will live to see their accomplishment, and to enjoy a beatitude forbidden to my age. But I leave it with this admonition, to rise and be doing. A million and a half are within their control; but six millions, (which a majority of those now living will see them attain,) and one million of these fighting men, will say, "we will not go."

I am aware that this subject involves some constitutional scruples. But a liberal construction, justified by the object, may go far, and an amendment of the constitution, the whole length necessary. The separation of infants from their mothers, too, would produce some scruples of humanity. But this would be straining at a gnat, and swallowing a camel.

I am much pleased to see that you have taken up the subject of the duty on imported books. I hope a crusade will be kept up against it, until those in power shall become sensible of this stain on our legislation, and shall wipe it from their code, and from the remembrance of man, if possible.

I salute you with assurances of high respect and esteem.

TO ROBERT J. GARNETT.

MONTICELLO, February 14, 1824.

DEAR SIR,—I have to thank you for the copy of Colonel Taylor's New Views of the Constitution, and shall read them with the satisfaction and edification which I have ever derived from whatever he has written. But I fear it is the voice of one crying in the wilderness. Those who formerly usurped the *name* of federalists, which, *in fact*, they never were, have now openly abandoned it, and are as openly marching by the road of construction, in a direct line to that consolidation which was always their real object. They, almost to a man, are in possession of one branch of the government, and appear to be very strong in yours. The three great questions of amendment now before you, will give the measure of their strength. I mean, 1st, the limitation of the term of the presidential service; 2d, the placing the choice of president effectually in the hands of the people; 3d, the giving to Congress the power of internal improvement, on condition that each State's federal proportion of the monies so expended, shall be employed within the State. The friends of consolidation would rather take these powers by construction than accept them by direct investiture from the States. Yet, as to internal improvement particularly, there is probably not a State in the Union which would not grant the power on the condition proposed, or which would grant it without that.

The best general key for the solution of questions of power between our governments, is the fact that "every foreign and federal power is given to the federal government, and to the States every power purely domestic." I recollect but one instance of control vested in the federal, over the State authorities, in a matter purely domestic, which is that of metallic tenders. The federal is, in truth, our foreign government, which department alone is taken from the sovereignty of the separate States.

The real friends of the constitution in its federal form, if they wish it to be immortal, should be attentive, by amendments, to make it keep pace with the advance of the age in science and

experience. Instead of this, the European governments have resisted reformation, until the people, seeing no other resource, undertake it themselves by force, their only weapon, and work it out through blood, desolation and long-continued anarchy. Here it will be by large fragments breaking off, and refusing re-union but on condition of amendment, or perhaps permanently. If I can see these three great amendments prevail, I shall consider it as a renewed extension of the term of our lease, shall live in more confidence, and die in more hope. And I do trust that the republican mass, which Colonel Taylor justly says is the real federal one, is still strong enough to carry these truly federo-republican amendments. With my prayers for the issue, accept my friendly and respectful salutations.

TO MR. ISAAC ENGELBRECHT.

MONTICELLO, February 25, 1824.

SIR,—The kindness of the motive which led to the request of your letter of the 14th instant, and which would give some value to an article from me, renders compliance a duty of gratitude; knowing nothing more moral, more sublime, more worthy of your preservation than David's description of the good man, in his 15th Psalm, I will here transcribe it from Brady & Tate's version:

Lord, who's the happy man that may to thy blest courts repair,
Not stranger-like, to visit them, but to inhabit there?
'Tis he whose every thought and deed by rules of virtue moves.
Whose generous tongue disdains to speak the thing his heart disproves.
Who never did a slander forge, his neighbor's fame to wound,
Nor hearken to a false report by malice whispered round.
Who, vice, in all its pomp and power, can treat with just neglect;
And piety, though clothed in rags, religiously respect.
Who, to his plighted vows and trust, has ever firmly stood,
And though he promise to his loss he makes his promise good.
Whose soul in usury disdains his treasure to employ,
Whom no rewards can ever bribe the guiltless to destroy.
The man who by this steady course has happiness ensured,
When earth's foundation shakes, shall stand by providence secured.

Accept this as a testimony of my respect for your request, an acknowledgment of a due sense of the favor of your opinion, and an assurance of my good will and best wishes.

TO MR. WOODWARD.

MONTICELLO, March 24. 1824.

I have to thank you, dear Sir, for the copy I have received of your System of Universal Science, for which, I presume, I am indebted to yourself. It will be a monument of the learning of the author and of the analyzing powers of his mind. Whether it may be adopted in general use is yet to be seen. These analytical views indeed must always be ramified according to their object. Yours is on the great scale of a methodical encyclopedia of all human sciences, taking for the basis of their distribution, matter, mind, and the union of both. Lord Bacon founded his first great division on the faculties of the mind which have cognizance of these sciences. It does not seem to have been observed by any one that the origination of this division was not with him. It had been proposed by Charron more than twenty years before, in his book de la Sagesse, B. 1, c. 14, and an imperfect ascription of the sciences to these respective faculties was there attempted. This excellent moral work was published in 1600. Lord Bacon is said not to have entered on his great work until his retirement from public office in 1621. Where sciences are to be arranged in accommodation to the schools of an university, they will be grouped to coincide with the kindred qualifications of Professors in ordinary. For a library, which was my object, their divisions and subdivisions will be made such as to throw convenient masses of books under each separate head. Thus, in the library of a physician, the books of that science, of which he has many, will be subdivivided under many heads; and those of law, of which he has few, will be placed under a single one. The lawyer, again, will distribute his law books under many subdivisions, his medical under a single one. Your

idea of making the subject matter of the sciences the basis of their distribution, is certainly more reasonable than that of the faculties to which they are addressed. The materialists will perhaps criticize a basis, one-half of which they will say is a non-existence; adhering to the axiom of Aristotle, "*nihil est in intellectu quod prius non fuerit in sensu*," and affirming that we can have no evidence of any existence which impresses no sense. Of this opinion were most of the ancient philosophers, and several of the early and orthodox fathers of the christian church. Indeed, Jesus himself, the founder of our religion, was unquestionably a materialist as to man. In all his doctrines of the resurrection, he teaches expressly that the body is to rise in substance. In the Apostles' Creed, we all declare that we believe in the "resurrection of the body." Jesus said that God is spirit [πνευμα] without defining it. Tertullian supplies the definition, "*quis negabit Deum esse corpus, etsi Deus Spiritus? spiritus etiam corporis sui generis in suâ effigie.*" And Origen, "ασωματον *accipi, docet, pro eo quod non est simile huic nostro crassiori et visibli corpori, sed quod est naturaliter subtile et velut aura tenue.*" The modern philosophers mostly consider thought as a function of our material organization; and Locke particularly among them, charges with blasphemy those who deny that Omnipotence could give the faculty of thinking to certain combinations of matter.

Were I to re-compose my tabular view of the sciences, I should certainly transpose a particular branch. The naturalists, you know, distribute the history of nature into three kingdoms or departments: zoology, botany, mineralogy. Ideology or mind, however, occupies so much space in the field of science, that we might perhaps erect it into a fourth kingdom or department. But, inasmuch as it makes a part of the animal construction only, it would be more proper to subdivide zoology into physical and moral. The latter including ideology, ethics, and mental science generally, in my catalogue, considering ethics, as well as religion, as supplements to law in the government of man, I had placed them in that sequence. But certainly the faculty of thought belongs to animal history, is an important portion of it

and should there find its place. But these are speculations in which I do not now permit myself to labor. My mind unwillingly engages in severe investigations. Its energies, indeed, are no longer equal to them. Being to thank you for your book, its subject has run away with me into a labyrinth of ideas no longer familiar, and writing also has become a slow and irksome operation with me. I have been obliged to avail myself of the pen of a granddaughter for this communication. I will here, therefore, close my task of thinking, hers of writing, and yours of reading, with assurances of my constant and high respect and esteem.

TO MR. EDWARD EVERETT.

MONTICELLO, March 27, 1824.

DEAR SIR,—I have to thank you for your Greek reader, which, for the use of schools, is evidently preferable to the Collectanea Græca. These have not arranged their selections so well in gradation from the easier to the more difficult styles.

On the subject of the Greek ablative, I dare say that your historical explanation is the true one. In the early stages of languages, the distinctions of cases may well be supposed so few as to be readily effected by changes of termination. The Greeks, in this way, seem to have formed five, the Latins six, and to have supplied their deficiences as they occurred in the progress of development, by prepositive words. In later times, the Italians, Spaniards, and French, have depended on prepositions altogether, without any inflection of the primitive word to denote the change of case. What is singular as to the English is, that in its early form of Anglo-Saxon, having distinguished several cases by changes of termination, at later periods it has dropped these, retains but that of the genitive, and supplies all the others by prepositions. These subjects, with me, are neither favorites nor familiar; and your letter has occasioned me to look more into the particular one in question than I had ever done before. Turning, for satisfaction, to the work of Tracy, the most pro-

found of our ideological writers, and to the volume particularly which treats of grammar, I find what I suppose to be the correct doctrine of the case. Omitting unnecessary words to abridge writing, I copy what he says: "Il y a des langues qui par certains changemens de desinence, appellés *cas*, indiquent quelques-uns des rapports des noms avec d'autres noms; mais beaucoup de langues n'ont point de cas; et celles qui en ont, n'en ont qu'un petit nombre, tandis que les divers rapports qu'une idée peut avoir avec une autre sont extrêmement multipliés: ainsi, les cas ne peuvent exprimer qu'en general, les principaux de ces rapports. Aussi dans toutes les langues, meme dans celles qui ont des *cas*, on a senti le besoin de mots distincts, separés des autres, et expressement destinés à cet usage; ils ce qu'on appelle des prepositions." 2 Tracy Elemens d'Ideologie, c. 3, § 5, p. 114, and he names the Basque and Peruvian languages, whose nouns have such various changes of termination as to express all the relations which other languages express by prepositions, and therefore having no prepositions. On this ground, I suppose, then, we may rest the question of the Greek ablative. It leaves with me a single difficulty only, to-wit: the instances where they have given the ablative signification to the dative termination, some of which I quoted in my former letter to you.

I have just received a letter from Coray, at Paris, of the 28th December, in which he confirms the late naval success of the Greeks, but expresses a melancholy fear for his nation, "qui a montré jusqu'á ce moment des prodiges de valeur, mais qui, delivrée d'un joug de Cannibass, ne peut encore posseder ni les leçons d'instruction, ni celles de l'expérience." I confess I have the same fears for our South American brethren; the qualifications for self-government in society are not innate. They are the result of habit and long training, and for these they will require time and probably much suffering.

I salute you with assurances of great esteem and respect.

TO EDWARD LIVINGSTON.

MONTICELLO, April 4, 1824.

DEAR SIR,—It was with great pleasure I learned that the good people of New Orleans had restored you again to the councils of our country. I did not doubt the aid it would bring to the remains of our old school in Congress, in which your early labors had been so useful. You will find, I suppose, on revisiting our maritime States, the names of things more changed than the things themselves; that though our old opponents have given up their appellation, they have not, in assuming ours, abandoned their views, and that they are as strong nearly as they ever were. These cares, however, are no longer mine. I resign myself cheerfully to the managers of the ship, and the more contentedly, as I am near the end of my voyage. I have learned to be less confident in the conclusions of human reason, and give more credit to the honesty of contrary opinions. The radical idea of the character of the constitution of our government, which I have adopted as a key in cases of doubtful construction, is, that the whole field of government is divided into two departments, domestic and foreign, (the States in their mutual relations being of the latter;) that the former department is reserved exclusively to the respective States within their own limits, and the latter assigned to a separate set of functionaries, constituting what may be called the foreign branch, which, instead of a federal basis, is established as a distinct government *quoad hoc*, acting as the domestic branch does on the citizens directly and coercively; that these departpartments have distinct directories, co-ordinate, and equally independent and supreme, each within its own sphere of action. Whenever a doubt arises to which of these branches a power belongs, I try it by this test. I recollect no case where a question simply between citizens of the same State, has been transferred to the foreign department, except that of inhibiting tenders but of metallic money, and *ex post facto* legislation. The causes of these singularities are well remembered.

I thank you for the copy of your speech on the question of

national improvement, which I have read with great pleasure, and recognize in it those powers of reasoning and persuasion of which I had formerly seen from you so many proofs. Yet, in candor, I must say it has not removed, in my mind, all the difficulties of the question. And I should really be alarmed at a difference of opinion with you, and suspicious of my own, were it not that I have, as companions in sentiments, the Madisons, the Monroes, the Randolphs, the Macons, all good men and true, of primitive principles. In one sentiment of the speech I particularly concur. "If we have a doubt relative to any power, we ought not to exercise it." When we consider the extensive and deep-seated opposition to this assumption, the conviction entertained by so many, that this deduction of powers by elaborate construction prostrates the rights reserved to the States, the difficulties with which it will rub along in the course of its exercise; that changes of majorities will be changing the system backwards and forwards, so that no undertaking under it will be safe; that there is not a State in the Union which would not give the power willingly, by way of amendment, with some little guard, perhaps, against abuse; I cannot but think it would be the wisest course to ask an express grant of the power. A government held together by the bands of reason only, requires much compromise of opinion; that things even salutary should not be crammed down the throats of dissenting brethren, especially when they may be put into a form to be willingly swallowed, and that a great deal of indulgence is necessary to strengthen habits of harmony and fraternity. In such a case, it seems to me it would be safer and wiser to ask an express grant of the power. This would render its exercise smooth and acceptable to all, and insure to it all the facilities which the States could contribute, to prevent that kind of abuse which all will fear, because all know it is so much practised in public bodies, I mean the bartering of votes. It would reconcile every one, if limited by the proviso, that the federal proportion of each State should be expended within the State. With this single security against partiality and corrupt bargaining, I suppose there is not a State, perhaps

not a man in the Union, who would not consent to add this to the powers of the general government. But age has weaned me from questions of this kind. My delight is now in the passive occupation of reading; and it is with great reluctance I permit my mind ever to encounter subjects of difficult investigation. You have many years yet to come of vigorous activity, and I confidently trust they will be employed in cherishing every measure which may foster our brotherly union, and perpetuate a constitution of government destined to be the primitive and precious model of what is to change the condition of man over the globe. With this confidence, equally strong in your powers and purposes, I pray you to accept the assurance of my cordial esteem and respect.

TO JOHN HAMBDEN PLEASANTS.

MONTICELLO, April 19, 1824.

DEAR SIR,—I received in due time your favor of the 12th, requesting my opinion on the proposition to call a convention for amending the constitution of the State. That this should not be perfect cannot be a subject of wonder, when it is considered that ours was not only the first of the American States, but the first nation in the world, at least within the records of history, which peaceably by its wise men, formed on free deliberation, a constitution of government for itself, and deposited it in writing, among their archives, always ready and open to the appeal of every citizen. The other States, who successively formed constitutions for themselves also, had the benefit of our outline, and have made on it, doubtless, successive improvements. One in the very outset, and which has been adopted in every subsequent constitution, was to lay its foundation in the authority of the nation. To our convention no special authority had been delegated by the people to form a permanent constitution, over which their successors in legislation should have no powers of alteration. They had been elected for the ordinary purposes of legislation only,

and at a time when the establishment of a new government had not been proposed or contemplated. Although, therefore, they gave to this act the title of a constitution, yet it could be no more than an act of legislation subject, as their other acts were, to alteration by their successors. It has been said, indeed, that the acquiescence of the people supplied the want of original power. But it is a dangerous lesson to say to them "whenever your functionaries exercise unlawful authority over you, if you do not go into actual resistance, it will be deemed acquiescence and confirmation." How long had we acquiesced under usurpations of the British parliament? Had that confirmed them in right, and made our revolution a wrong? Besides, no authority has yet decided whether this resistance must be instantaneous; when the right to resist ceases, or whether it has yet ceased? Of the twenty-four States now organized, twenty-three have disapproved our doctrine and example, and have deemed the authority of their people a necessary foundation for a constitution.

Another defect which has been corrected by most of the States is, that the basis of our constitution is in opposition to the principle of equal political rights, refusing to all but freeholders any participation in the natural right of self-government. It is believed, for example, that a very great majority of the militia, on whom the burthen of military duty was imposed in the late war, were men unrepresented in the legislation which imposed this burthen on them. However nature may by mental or physical disqualifications have marked infants and the weaker sex for the protection, rather than the direction of government, yet among the men who either pay or fight for their country, no line of right can be drawn. The exclusion of a majority of our freemen from the right of representation is merely arbitrary, and an usurpation of the minority over the majority; for it is believed that the non-freeholders compose the majority of our free and adult male citizens.

And even among our citizens who participate in the representative privilege, the equality of political rights is entirely prostrated by our constitution. Upon which principle of right or rea-

son can any one justify the giving to every citizen of Warwick as much weight in the government as to twenty-two equal citizens in Loudon, and similar inequalities among the other counties? If these fundamental principles are of no importance in actual government, then no principles are important, and it is as well to rely on the dispositions of an administration, good or evil, as on the provisions of a constitution.

I shall not enter into the details of smaller defects, although others there doubtless are, the reformation of some of which might very much lessen the expenses of government, improve its organization, and add to the wisdom and purity of its administration in all its parts; but these things I leave to others, not permitting myself to take sides in the political questions of the day. I willingly acquiesce in the institutions of my country, perfect or imperfect; and think it a duty to leave their modifications to those who are to live under them, and are to participate of the good or evil they may produce. The present generation has the same right of self-government which the past one has exercised for itself. And those in the full vigor of body and mind are more able to judge for themselves than those who are sinking under the wane of both. If the sense of our citizens on the question of a convention can be fairly and fully taken, its result will, I am sure, be wise and salutary; and far from arrogating the office of advice, no one will more passively acquiesce in it than myself. Retiring, therefore, to the tranquillity called for by increasing years and debility, I wish not to be understood as intermeddling in this question; and to my prayers for the general good, I have only to add assurances to yourself of my great esteem.

TO MR. DAVID HARDING, PRESIDENT OF THE JEFFERSON DEBATING SOCIETY OF HINGHAM.

Monticello, April 20, 1824.

Sir,—I have duly received your favor of the 6th instant, informing me of the institution of a debating society in Hingham, composed of adherents to the republican principles of the revolu-

tion; and I am justly sensible of the honor done my name by associating it with the title of the society. The object of the society is laudable, and in a republican nation, whose citizens are to be led by reason and persuasion, and not by force, the art of reasoning becomes of first importance. In this line antiquity has left us the finest models for imitation; and he who studies and imitates them most nearly, will nearest approach the perfection of the art. Among these I should consider the speeches of Livy, Sallust, and Tacitus, as pre-eminent specimens of logic, taste, and that sententious brevity which, using not a word to spare, leaves not a moment for inattention to the hearer. Amplification is the vice of modern oratory. It is an insult to an assembly of reasonable men, disgusting and revolting instead of persuading. Speeches measured by the hour, die with the hour. I will not, however, further indulge the disposition of the age to sermonize, and especially to those surrounded by so much better advice. With my apologies, therefore, for hazarding even these observations, and my prayers for the success of your institution, be pleased to accept for the society and yourself the assurances of my high consideration.

TO RICHARD RUSH.

MONTICELLO, April 26, 1824.

DEAR SIR,—I have heretofore informed you that our legislature had undertaken the establishment of an University in Virginia; that it was placed in my neighborhood, and under the direction of a board of seven visitors, of whom I am one, Mr. Madison another, and others equally worthy of confidence. We have been four or five years engaged in erecting our buildings, all of which are now ready to receive their tenants, one excepted, which the present season will put into a state for use. The last session of our legislature had by new donations liberated the revenue of fifteen M. D. a year, with which they had before endowed the institution, and we propose to open it the beginning

of the next year. We require the intervening time for seeking out and engaging Professors. As to these we have determined to receive no one who is not of the first order of science in his line; and as such in every branch cannot be obtained with us, we propose to seek some of them at least in the countries ahead of us in science, and preferably in Great Britain, the land of our own language, habits, and manners. But how to find out those who are of the first grade of science, of sober correct habits and morals, harmonizing tempers, talents for communication, is the difficulty. Our first step is to send a special agent to the Universities of Oxford, Cambridge and Edinburgh, to make the selection for us; and the person appointed for this office is the gentleman who will hand you this letter,—Mr. Francis Walker Gilmer,—the best-educated subject we have raised since the revolution, highly qualified in all the important branches of science, professing particularly that of the law, which he has practised some years at our Supreme Court with good success and flattering prospects. His morals, his amiable temper and discretion, will do justice to any confidence you may be willing to place in him, for I commit him to you as his mentor and guide in the business he goes on. We do not certainly expect to obtain such known characters as were the Cullens, the Robertsons and Porsons of Great Britain, men of the first eminence established there in reputation and office, and with emoluments not to be bettered anywhere. But we know that there is another race treading on their heels, preparing to take their places, and as well and sometimes better qualified to fill them. These while unsettled, surrounded by a crowd of competitors, of equal claims and perhaps superior credit and interest, may prefer a comfortable certainty here for an uncertain hope there, and a lingering delay even of that. From this description we expect we may draw professors equal to those of the highest name. The difficulty is to distinguish them; for we are told that so overcharged are all branches of business in that country, and such the difficulty of getting the means of living, that it is deemed allowable in ethics for even the most honorable minds to give

highly exaggerated recommendations and certificates to enable a friend or protegé to get into a livelihood; and that the moment our agent should be known to be on such a mission, he would be overwhelmed by applications from numerous pretenders, all of whom, worthy or unworthy, would be supported by such recommendations and such names as would confound all discrimination. On this head our trust and hope is in you. Your knowledge of the state of things, your means of finding out a character or two at each place, truly trustworthy, and into whose hands you can commit our agent with entire safety, for information, caution and co-operation, induces me to request your patronage and aid in our endeavors to obtain such men, and such only as will fulfil our views. An unlucky selection in the outset would forever blast our prospects. From our information of the character of the different Universities, we expect we should go to Oxford for our classical professor, to Cambridge for those of Mathematics, Natural Philosophy and Natural History, and to Edinburgh for a professor of Anatomy, and the elements or outlines only of Medicine. We have still our eye on Mr. Blaetterman for the professorship of modern languages, and Mr. Gilmer is instructed to engage him, if no very material objection to him may have arisen unknown to us. We can place in Mr. Gilmer's hands but a moderate sum at present for merely text books to begin with, and for indispensable articles of apparatus, Mathematical, Astronomical, Physical, Chemical and Anatomical. We are in the hope of a sum of $50,000, as soon as we can get a settlement passed through the public offices. My experience in dealing with the bookseller Lackington, on your recommendation, has induced me to recommend him to Mr. Gilmer, and if we can engage his fidelity, we may put into his hands the larger supply of books when we are ready to call for it, and particularly what we shall propose to seek in England.

Although I have troubled you with many particulars, I yet leave abundance for verbal explanation with Mr. Gilmer, who possesses a full knowledge of everything, and our full confidence in everything. He takes with him plans of our establishment,

which we think it may be encouraging to show to the persons to whom he will make propositions, as well to let them see the comforts provided for themselves, as to show by the extensiveness and expense of the scale, that it is no ephemeral thing to which they are invited.

With my earnest solicitations that you will give us all your aid in an undertaking on which we rest the hopes and happiness of our country, accept the assurances of my sincere friendship, attachment and respect.

TO JOSEPH C. CABELL.

MONTICELLO, May 16, 1824.

DEAR SIR,—Your favor of the 5th, from Williamsburg, has been duly received, and presents to us a case of pregnant character, admitting important issues, and requiring serious consideration and conduct; yet I am more inclined to view it with hope than dismay. It involves two questions. First. Shall the college of William and Mary be removed? Second. To what place? As to the first, I never doubted the lawful authority of the legislature over the college, as being a public institution and endowed from the public property, by public agents for that function, and for public purposes. Some have doubted this authority without a relinquishment of what they call a vested right by the body corporate. But as their voluntary relinquishment is a circumstance of the case, it is relieved from that doubt. I certainly never wished that my venerable *alma mater* should be disturbed. I considered it as an actual possession of that ancient and earliest settlement of our forefathers, and was disposed to see it yielded as a courtesy, rather than taken as a right. They, however, are free to renounce a benefit, and we to receive it. Had we dissolved it on the principle of right, to give a direction to its funds more useful to the public, the professors, although their chartered tenure is during pleasure only, might have reasonably expected a vale of a year or two's salary, as an intermediate

support, until they could find other employment for their talents. And notwithstanding that their abandonment is voluntary, this should still be given them. On this first question I think we should be absolutely silent and passive, taking no part in it until the old institution is loosened from its foundation and fairly placed on its wheels.

2. On the second question, to what place shall it be moved? we may take the field boldly. Richmond, it seems, claims it, but on what ground of advantage to the public? When the professors, their charter and funds shall be translated to Richmond, will they become more enlightened there than at the old place? Will they possess more science? be more capable of communicating it? or more competent to raise it from the dead, in a new sect, than to keep it alive in the ancient one? Or has Richmond any peculiarities more favorable for the communication of the sciences generally than the place which the legislature has preferred and fixed on for that purpose? This will not be pretended. But it seems they possess advantages for a medical school. Let us scan them. Anatomy may be as competently taught at the University as at Richmond, the only subjects of discretion which either place can count on are equally acquirable at both. And as to medicine, whatever can be learned from lectures or books, may be taught at the University of Virginia as well as at Richmond, or even at Baltimore, Philadelphia, New York, or Boston, with the inestimable additional advantage of acquiring, at the same time, the kindred sciences by attending the other schools. But Richmond thinks it can have a hospital which will furnish subjects for the clinical branch of medicine. The classes of people which furnish subjects for the hospitals of Baltimore, Philadelphia, New York and Boston, do not exist at Richmond. The shipping constantly present at those places, furnish many patients. Is there a ship at Richmond? The class of white servants in those cities which is numerous and penniless, and whose regular resource in sickness is always the hospital, constitutes the great body of their patients; this class does not exist at Richmond. The servants there are slaves, whose masters are by

law obliged to take care of them in sickness as in health, and who could not be admitted into a hospital. These resources, then, being null, the free inhabitants alone remain for a hospital at Richmond. And I will ask how many families in Richmond would send their husbands, wives, or children to a hospital, in sickness, to be attended by nurses hardened by habit against the feelings of pity, to lie in public rooms harassed by the cries and sufferings of disease under every form, alarmed by the groans of the dying, exposed as a corpse to be lectured over by a clinical professor, to be crowded and handled by his students to hear their case learnedly explained to them, its threatening symptoms developed, and its probable termination foreboded? In vindication of Richmond, I may surely answer that there is not in the place a family so heartless, as, relinquishing their own tender cares of a child or parent, to abandon them in sickness to this last resource of poverty; for it is poverty alone which peoples hospitals, and those alone who are on the charities of their parish would go to their hospital. Have they paupers enough to fill a hospital? and sickness enough among these? One reason alleged for the removal of the college to Richmond is that Williamsburg is sickly, is happily little apt for the situation of a hospital. No Sir; Richmond is no place to furnish subjects for clinical lectures. I have always had Norfolk in view for this purpose. The climate and pontine country around Norfolk render it truly sickly in itself. It is, moreover, the rendezvous not only of the shipping of commerce, but of the vessels of the public navy. The United States have there a hospital already established, and supplied with subjects from these local circumstances. I had thought and have mentioned to yourself and our colleagues, that when our medical school has got well under way, we should propose to the federal government the association with that establishment, and at our own expense, of the clinical branch of our medical school, so that our students, after qualifying themselves with the other branches of the science here, might complete their course of preparation by attending clinical lectures for six or twelve months at Norfolk.

But Richmond has another claim, *as being the seat of government.* The indisposition of Richmond towards our University has not been unfelt. But would it not be wiser in them to rest satisfied with the government and their local academy? Can they afford, on the question of a change of the seat of government, by hostilizing the middle counties, to tranfer them from the eastern to the western interest? To make it their interest to withdraw from the former that ground of claim, if used for adversary purposes? With things as they are, let both parties remain content and united.

If, then, William and Mary is to be removed, and not to Richmond, can there be two opinions how its funds are to be directed to the best advantage for the public? When it was found that that seminary was entirely ineffectual towards the object of public education, and that one on a better plan, and in a better situation, must be provided, what was so obvious as to employ for that purpose the funds of the one abandoned, with what more would be necessary, to raise the new establishment? And what so obvious as to do now what might reasonably have been done then, by consolidating together the institutions and their funds? The plan sanctioned by the legislature required for our University ten professors, but the funds appropriated will maintain but eight, and some of these are consequently over-burthened with duties; the hundred thousand dollars of principal which you say still remains to William and Mary, by its interest of six thousand dollars, would give us the two deficient professors, with an annual surplus for the purchase of books; and certainly the legislature will see no public interest, after the expense incurred on the new establishment, in setting up a rival in the city of Richmond; they cannot think it better to have two institutions crippling one another, than one of healthy powers, competent to that highest grade of instruction which neither, with a divided support, could expect to attain.

Another argument may eventually arise in favor of consolidation. The contingent gift at the late session, of fifty thousand dollars, for books and apparatus, shows a sense in the legislature

that those objects are still to be provided. If we fail in obtaining that sum, they will feel an incumbency to provide it otherwise. What so ready as the derelict capital of William and Mary, and the large library they uselessly possess? Should that college then be removed, I cannot doubt that the legislature, keeping in view its original object, will consolidate it with the University.

But it will not be removed. Richmond is doubtless in earnest, but that the visitors should concur is impossible. The professors are the prime-movers, and do not mean exactly what they propose. They hold up this raw-head and bloody-bones *in terrorem* to us, to force us to receive them into our institution. Men who have degraded and foundered the vessel whose helm was entrusted to them, want now to force their incompetence on us. I know none of them personally, but judge of them from the fact and the opinion I hear from every one acquainted with the case, that it has been destroyed by their incompetence and mis-management. Until the death of Bishop Madison, it kept at its usual stand of about eighty students. It is now dwindled to about twenty, and the professors acknowledge that on opening our doors, theirs may be shut. Their funds in that case, would certainly be acceptable and salutary to us. But not with the incubus of their faculty. When they find that their feint gives us no alarm, they will retract, will recall their grammar school, make their college useful as a sectional school of preparation for the University, and teach the languages, surveying, navigation, plane trigonometry, and such other elements of science as will be useful to many whose views do not call for a university education.

I will only add to this long letter an opinion that we had better say as little as we can on this whole subject; give them no alarm; let them petition for the removal; let them get the old structure completely on wheels, and not till then put in our claim to its reception. I shall communicate your letter, as you request, to Mr. Madison, and with it this answer. Why can you not call on us on your way to Warminster, and make this a subject of conversation? With my devoted respects to Mrs. Cabell,

assure her that she can be nowhere more cordially received than by the family of Monticello. And the deviation from your direct road is too small to merit consideration. Ever and affectionately your friend and servant.

TO MAJOR JOHN CARTWRIGHT.

MONTICELLO, June 5. 1824.

DEAR AND VENERABLE SIR,—I am much indebted for your kind letter of February the 29th, and for your valuable volume on the English constitution. I have read this with pleasure and much approbation, and think it has deduced the constitution of the English nation from its rightful root, the Anglo-Saxon. It is really wonderful, that so many able and learned men should have failed in their attempts to define it with correctness. No wonder then, that Paine, who thought more than he read, should have credited the great authorities who have declared, that the will of parliament is the constitution of England. So Marbois, before the French revolution, observed to me, that the Almanac Royal was the constitution of France. Your derivation of it from the Anglo-Saxons, seems to be made on legitimate principles. Having driven out the former inhabitants of that part of the island called England, they became aborigines as to you, and your lineal ancestors. They doubtless had a constitution; and although they have not left it in a written formula, to the precise text of which you may always appeal, yet they have left fragments of their history and laws, from which it may be inferred with considerable certainty. Whatever their history and laws show to have been practised with approbation, we may presume was permitted by their constitution; whatever was not so practiced, was not permitted. And although this constitution was violated and set at naught by Norman force, yet force cannot change right. A perpetual claim was kept up by the nation, by their perpetual demand of a restoration of their Saxon laws; which shows they were never relinquished by the will of the

nation. In the pullings and haulings for these ancient rights, between the nation, and its kings of the races of Plantagenets, Tudors and Stuarts, there was sometimes gain, and sometimes loss, until the final re-conquest of their rights from the Stuarts. The destitution and expulsion of this race broke the thread of pretended inheritance, extinguished all regal usurpations, and the nation re-entered into all its rights; and although in their bill of rights they specifically reclaimed some only, yet the omission of the others was no renunciation of the right to assume their exercise also, whenever occasion should occur. The new King received no rights or powers, but those expressly granted to him. It has ever appeared to me, that the difference between the whig and the tory of England is, that the whig deduces his rights from the Anglo-Saxon source, and the tory from the Norman. And Hume, the great apostle of toryism, says, in so many words, note AA to chapter 42, that, in the reign of the Stuarts, "it was the people who encroached upon the sovereign, not the sovereign who attempted, as is pretended, to usurp upon the people." This supposes the Norman usurpations to be rights in his successors. And again, C, 159, "the commons established a principle, which is noble in itself, and seems specious, but is belied by all history and experience, *that the people are the origin of all just power.*" And where else will this degenerate son of science, this traitor to his fellow men, find the origin of *just* powers, if not in the majority of the society? Will it be in the minority? Or in an individual of that minority?

Our Revolution commenced on more favorable ground. It presented us an album on which we were free to write what we pleased. We had no occasion to search into musty records, to hunt up royal parchments, or to investigate the laws and institutions of a semi-barbarous ancestry. We appealed to those of nature, and found them engraved on our hearts. Yet we did not avail ourselves of all the advantages of our position. We had never been permitted to exercise self-government. When forced to assume it, we were novices in its science. Its principles and forms had entered little into our former education. We estab-

lished however some, although not all its important principles. The constitutions of most of our States assert, that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, (as in electing their functionaries executive and legislative, and deciding by a jury of themselves, in all judiciary cases in which any fact is involved,) or they may act by representatives, freely and equally chosen; that it is their right and duty to be at all times armed; that they are entitled to freedom of person, freedom of religion, freedom of property, and freedom of the press. In the structure of our legislatures, we think experience has proved the benefit of subjecting questions to two separate bodies of deliberants; but in constituting these, natural right has been mistaken, some making one of these bodies, and some both, the representatives of property instead of persons; whereas the double deliberation might be as well obtained without any violation of true principle, either by requiring a greater age in one of the bodies, or by electing a proper number of representatives of persons, dividing them by lots into two chambers, and renewing the division at frequent intervals, in order to break up all cabals. Virginia, of which I am myself a native and resident, was not only the first of the States, but, I believe I may say, the first of the nations of the earth, which assembled its wise men peaceably together to form a fundamental constitution, to commit it to writing, and place it among their archives, where every one should be free to appeal to its text. But this act was very imperfect. The other States, as they proceeded successively to the same work, made successive improvements; and several of them, still further corrected by experience, have, by conventions, still further amended their first forms. My own State has gone on so far with its *premiere ebauche;* but it is now proposing to call a convention for amendment. Among other improvements, I hope they will adopt the subdivision of our counties into wards. The former may be estimated at an average of twenty-four miles square; the latter should be about six miles square each, and would answer to the hundreds of your Saxon Alfred. In each

of these might be, 1st. An elementary school; 2d. A company of militia, with its officers; 3d. A justice of the peace and constable; 4th. Each ward should take care of their own poor; 5th. Their own roads; 6th. Their own police; 7th. Elect within themselves one or more jurors to attend the courts of justice; and 8th. Give in at their Folk-house, their votes for all functionaries reserved to their election. Each ward would thus be a small republic within itself, and every man in the State would thus become an acting member of the common government, transacting in person a great portion of its rights and duties, subordinate indeed, yet important, and entirely within his competence. The wit of man cannot devise a more solid basis for a free, durable and well-administered republic.

With respect to our State and federal governments, I do not think their relations correctly understood by foreigners. They generally suppose the former subordinate to the latter. But this is not the case. They are co-ordinate departments of one simple and integral whole. To the State governments are reserved all legislation and administration, in affairs which concern their own citizens only, and to the federal government is given whatever concerns foreigners, or the citizens of other States; these functions alone being made federal. The one is the domestic, the other the foreign branch of the same government; neither having control over the other, but within its own department. There are one or two exceptions only to this partition of power. But, you may ask, if the two departments should claim each the same subject of power, where is the common umpire to decide ultimately between them? In cases of little importance or urgency, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be avoided nor compromised, a convention of the States must be called, to ascribe the doubtful power to that department which they may think best. You will perceive by these details, that we have not yet so far perfected our constitutions as to venture to make them unchangeable. But still, in their present state, we consider them not otherwise changeable than by the authority of the people,

on a special election of representatives for that purpose expressly: they are until then the *lex legum.*

But can they be made unchangeable? Can one generation bind another, and all others, in succession forever? I think not. The Creator has made the earth for the living, not the dead. Rights and powers can only belong to persons, not to things, not to mere matter, unendowed with will. The dead are not even things. The particles of matter which composed their bodies, make part now of the bodies of other animals, vegetables, or minerals, of a thousand forms. To what then are attached the rights and powers they held while in the form of men? A generation may bind itself as long as its majority continues in life; when that has disappeared, another majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing then is unchangeable but the inherent and unalienable rights of man.

I was glad to find in your book a formal contradiction, at length, of the judiciary usurpation of legislative powers; for such the judges have usurped in their repeated decisions, that Christianity is a part of the common law. The proof of the contrary, which you have adduced, is incontrovertible; to wit, that the common law existed while the Anglo-Saxons were yet Pagans, at a time when they had never yet heard the name of Christ pronounced, or knew that such a character had ever existed. But it may amuse you, to show when, and by what means, they stole this law in upon us. In a case of *quare impedit* in the Year-book 34, H, 6, folio 38, (anno 1458,) a question was made, how far the ecclesiastical law was to be respected in a common law court? And Prisot, Chief Justice, gives his opinion in these words: "A tiel leis qu' ils de seint eglise ont en *ancien scripture,* covient à nous à donner credence; car ceo common ley sur quels touts manners leis sont fondés. Et auxy, Sir, nous sumus oblègés de conustre lour ley de saint eglise; et semblablement ils sont obligés de consustre nostre ley. Et, Sir, si poit apperer or à nous que l'evesque ad fait come un ordinary fera en tiel cas, adong nous devons cee adjuger bon, ou auterment nemy," &c. See S.

C. Fitzh. Abr. Qu. imp. 89, Bro. Abr. Qu. imp. 12. Finch in his first book, c. 3, is the first afterwards who quotes this case and mistakes it thus: "To such laws of the church as have warrant in *holy scripture*, our law giveth credence." And cites Prisot; mistranslating "*ancien scripture*," into "*holy scripture.*" Whereas Prisot palpably says, "to such laws as those of holy church have in *ancient writing*, it is proper for us to give credence," to wit, to their *ancient written* laws. This was in 1613, a century and a half after the dictum of Prisot. Wingate, in 1658, erects this false translation into a maxim of the common law, copying the words of Finch, but citing Prisot, Wing. Max. 3. And Sheppard, title, "Religion," in 1675, copies the same mistranslation, quoting the Y. B. Finch and Wingate. Hale expresses it in these words: "Christianity is parcel of the laws of England." 1 Ventr. 293, 3 Keb. 607. But he quotes no authority. By these echoings and re-echoings from one to another, it had become so established in 1728, that in the case of the King *vs.* Woolston, 2 Stra. 834, the court would not suffer it to be debated, whether to write against Christianity was punishable in the temporal court at common law? Wood, therefore, 409, ventures still to vary the phrase, and say, that all blasphemy and profaneness are offences by the common law; and cites 2 Stra. Then Blackstone, in 1763, IV. 59, repeats the words of Hale, that "Christianity is part of the laws of England," citing Ventris and Strange. And finally, Lord Mansfield, with a little qualification, in Evans' case, in 1767, says, that "the essential principles of revealed religion are part of the common law." Thus ingulphing Bible, Testament and all into the common law, without citing any authority. And thus we find this chain of authorities hanging link by link, one upon another, and all ultimately on one and the same hook, and that a mistranslation of the words "*ancien scripture*," used by Prisot. Finch quotes Prisot; Wingate does the same. Sheppard quotes Prisot, Finch and Wingate. Hale cites nobody. The court in Woolston's case, cites Hale. Wood cites Woolston's case. Blackstone quotes Woolston's case and Hale. And Lord Mansfield, like Hale, ventures

it on his own authority. Here I might defy the best-read lawyer to produce another scrip of authority for this judiciary forgery; and I might go on further to show, how some of the Anglo-Saxon priests interpolated into the text of Alfred's laws, the 20th, 21st, 22d, and 23d chapters of Exodus, and the 15th of the Acts of the Apostles, from the 23d to the 29th verses. But this would lead my pen and your patience too far. What a conspiracy this, between Church and State! Sing Tantarara, rogues all, rogues all, Sing Tantarara, rogues all!

I must still add to this long and rambling letter, my acknowledgments for your good wishes to the University we are now establishing in this State. There are some novelties in it. Of that of a professorship of the principles of government, you express your approbation. They will be founded in the rights of man. That of agriculture, I am sure, you will approve; and that also of Anglo-Saxon. As the histories and laws left us in that type and dialect, must be the text books of the reading of the learners, they will imbibe with the language their free principles of government. The volumes you have been so kind as to send, shall be placed in the library of the University. Having at this time in England a person sent for the purpose of selecting some Professors, a Mr. Gilmer of my neighborhood, I cannot but recommend him to your patronage, counsel and guardianship, against imposition, misinformation, and the deceptions of partial and false recommendations, in the selection of characters. He is a gentleman of great worth and correctness, my particular friend, well educated in various branches of science, and worthy of entire confidence.

Your age of eighty-four and mine of eighty-one years, insure us a speedy meeting. We may then commune at leisure, and more fully, on the good and evil which, in the course of our long lives, we have both witnessed; and in the meantime, I pray you to accept assurances of my high veneration and esteem for your person and character.

TO MARTIN VAN BUREN.

MONTICELLO, June 29, 1824.

DEAR SIR,—I have to thank you for Mr. Pickering's elaborate philippic against Mr. Adams, Gerry, Smith, and myself; and I have delayed the acknowledgment until I could read it and make some observations on it.

I could not have believed, that for so many years, and to such a period of advanced age, he could have nourished passions so vehement and viperous. It appears, that for thirty-years past, he has been industriously collecting materials for vituperating the characters he had marked for his hatred; some of whom, certainly, if enmities towards him had ever existed, had forgotten them all, or buried them in the grave with themselves. As to myself, there never had been anything personal between us, nothing but the general opposition of party sentiment; and our personal intercourse had been that of urbanity, as himself says. But it seems he has been all this time brooding over an enmity which I had never felt, and that with respect to myself, as well as others, he has been writing far and near, and in every direction, to get hold of original letters, where he could, copies, where he could not, certificates and journals, catching at every gossiping story he could hear of in any quarter, supplying by suspicions what he could find nowhere else, and then arguing on this motley farrago, as if established on gospel evidence. And while expressing his wonder, that "at the age of eighty-eight, the strong passions of Mr. Adams should not have cooled;" that on the contrary, "they had acquired the mastery of his soul," (p. 100;) that "where these were enlisted, no reliance could be placed on his statements," (p. 104;) the facility and little truth with which he could represent facts and occurrences, concerning persons who were the objects of his hatred, (p. 3;) that "he is capable of making the grossest misrepresentations, and, from detached facts, and often from bare suspicions, of drawing unwarrantable inferences, if suited to his purpose at the instant," (p. 174;) while making such charges, I say, on Mr. Adams, instead of his "*ecce*

homo," (p. 100;) how justly might we say to him, "*mutato nomine, de te fabula narratur.*" For the assiduity and industry he has employed in his benevolent researches after matter of crimination against us, I refer to his pages 13, 14, 34, 36, 46, 71, 79, 90, bis. 92, 93, bis. 101, ter. 104, 116, 118, 141, 143, 146, 150, 151, 153, 168, 171, 172. That Mr. Adams' strictures on him, written and printed, should have excited some notice on his part, was not perhaps to be wondered at. But the sufficiency of his motive for the large attack on me may be more questionable. He says, (p. 4) "of Mr. Jefferson I should have said nothing, but for his letter to Mr. Adams, of October the 12th, 1823." Now the object of that letter was to soothe the feelings of a friend, wounded by a publication which I thought an "outrage on private confidence." Not a word or allusion in it respecting Mr. Pickering, nor was it suspected that it would draw forth his pen in justification of this infidelity, which he has, however, undertaken in the course of his pamphlet, but more particularly in its conclusion.

He arraigns me on two grounds, my actions and my motives. The very actions, however, which he arraigns, have been such as the great majority of my fellow citizens have approved. The approbation of Mr. Pickering, and of those who thought with him, I had no right to expect. My motives he chooses to ascribe to hypocrisy, to ambition, and a passion for popularity. Of these the world must judge between us. It is no office of his or mine. To that tribunal I have ever submitted my actions and motives, without ransacking the Union for certificates, letters, journals, and gossiping tales, to justify myself and weary them. Nor shall I do this on the present occasion, but leave still to them these antiquated party diatribes, now newly revamped and paraded, as if they had not been already a thousand times repeated, refuted, and adjudged against him, by the nation itself. If no action is to be deemed virtuous for which malice can imagine a sinister motive, then there never was a virtuous action; no, not even in the life of our Saviour himself. But he has taught us to judge

the tree by its fruit, and to leave motives to him who can alone see into them.

But whilst I leave to its fate the libel of Mr. Pickering, with the thousands of others like it, to which I have given no other answer than a steady course of similar action, there are two facts or fancies of his which I must set to rights. The one respects Mr. Adams, the other myself. He observes that my letter of October the 12th, 1823, acknowledges the receipt of one from Mr. Adams, of September the 18th, which, having been written a few days after Cunningham's publication, he says was no doubt written to apologize to me for the pointed reproaches he had uttered against me in his confidential letters to Cunningham. And thus having "no doubt" of his conjecture, he considers it as proven, goes on to suppose the contents of the letter, (19, 22,) makes it place Mr. Adams at my feet suing for pardon, and continues to rant upon it, as an undoubted fact. Now, I do most solemnly declare, that so far from being a letter of apology, as Mr. Pickering so undoubtedly assumes, there was not a word or allusion in it respecting Cunningham's publication.

The other allegation respecting myself, is equally false. In page 34, he quotes Doctor Stuart as having, twenty years ago, informed him that General Washington, "when he became a private citizen," called me to account for expressions in a letter to Mazzei, requiring, in a tone of unusual severity, an explanation of that letter. He adds of himself, "in what manner the latter humbled himself and appeased the just resentment of Washington, will never be made known, as some time after his death the correspondence was not to be found, and a diary for an important period of his presidency was also missing." The diary being of transactions during his presidency, the letter to Mazzei not known here until some time *after he became a private citizen*, and the pretended correspondence of course after that, I know not why this lost diary and supposed correspondence are brought together here, unless for insinuations worthy of the letter itself. The correspondence could not be found, indeed, because it had never existed. I do affirm that there never passed a word,

written or verbal, directly or indirectly, between General Washington and myself on the subject of that letter. He would never have degraded himself so far as to take to himself the imputation in that letter on the "Samsons in combat." The whole story is a fabrication, and I defy the framers of it, and all mankind, to produce a scrip of a pen between General Washington and myself on the subject, or any other evidence more worthy of credit than the suspicions, suppositions and presumptions of the two persons here quoting and quoted for it. With Doctor Stuart I had not much acquaintance. I supposed him to be an honest man, knew him to be a very weak one, and, like Mr. Pickering, very prone to antipathies, boiling with party passions, and under the dominion of these readily welcoming fancies for facts. But come the story from whomsoever it might, it is an unqualified falsehood.

This letter to Mazzei has been a precious theme of crimination for federal malice. It was a long letter of business, in which was inserted a single paragraph only of political information as to the state of our country. In this information there was not one word which would not then have been, or would not now be approved by every republican in the United States, looking back to those times, as you will see by a faithful copy now enclosed of the whole of what that letter said on the subject of the United States, or of its government. This paragraph, extracted and translated, got into a Paris paper at a time when the persons in power there were laboring under very general disfavor, and their friends were eager to catch even at straws to buoy them up. To them, therefore, I have always imputed the interpolation of an entire paragraph additional to mine, which makes me charge my own country with ingratitude and injustice to France There was not a word in my letter respecting France, or any of the proceedings or relations between this country and that. Yet this interpolated paragraph has been the burthen of federal calumny, has been constantly quoted by them, made the subject of unceasing and virulent abuse, and is still quoted, as you see, by Mr. Pickering, page 33, as if it were genuine, and really written by

me. And even Judge Marshall makes history descend from its dignity, and the ermine from its sanctity, to exaggerate, to record, and to sanction this forgery. In the very last note of his book, he says, "a letter from Mr. Jefferson to Mr. Mazzei, an Italian, was published in Florence, and re-published in the Moniteur, with very severe strictures on the conduct of the United States." And instead of the letter itself, he copies what he says are the remarks of the editor, which are an exaggerated commentary on the fabricated paragraph itself, and silently leaves to his reader to make the ready inference that these were the sentiments of the letter. Proof is the duty of the affirmative side. A negative cannot be positively proved. But, in defect of impossible proof of what was not in the original letter, I have its press-copy still in my possession. It has been shown to several, and is open to any one who wishes to see it. I have presumed only, that the interpolation was done in Paris. But I never saw the letter in either its Italian or French dress, and it may have been done here, with the commentary handed down to posterity by the Judge. The genuine paragraph, re-translated through Italian and French into English, as it appeared here in a federal paper, besides the mutilated hue which these translations and re-translations of it produced generally, gave a mistranslation of a single word, which entirely perverted its meaning, and made it a pliant and fertile text of misrepresentation of my political principles. The original, speaking of an Anglican, monarchical and aristocratical party, which had sprung up since he had left us, states their object to be "to draw over us the substance, as they had already done the *forms* of the British Government." Now the "forms" here meant, were the levees, birthdays, the pompous cavalcade to the state house on the meeting of Congress, the formal speech from the throne, the procession of Congress in a body to re-echo the speech in an answer, &c., &c. But the translator here, by substituting *form* in the singular number, for *forms* in the plural, made it mean the frame or organization of our government, or its form of legislative, executive and judiciary authorities, coördinate and independent; to which *form* it was

to be inferred that I was an enemy. In this sense they always quoted it, and in this sense Mr. Pickering still quotes it, pages 34, 35, 38, and countenances the inference. Now General Washington perfectly understood what I meant by these forms, as they were frequent subjects of conversation between us. When, on my return from Europe, I joined the government in March, 1790, at New York, I was much astonished, indeed, at the mimicry I found established of royal forms and ceremonies, and more alarmed at the unexpected phenomenon, by the monarchical sentiments I heard expressed and openly maintained in every company, and among others by the high members of the government, executive and judiciary, (General Washington alone excepted,) and by a great part of the legislature, save only some members who had been of the old Congress, and a very few of recent introduction. I took occasion, at various times, of expressing to General Washington my disappointment at these symptoms of a change of principle, and that I thought them encouraged by the forms and ceremonies which I found prevailing, not at all in character with the simplicity of republican government, and looking as if wishfully to those of European courts. His general explanations to me were, that when he arrived at New York to enter on the executive administration of the new government, he observed to those who were to assist him, that placed as he was in an office entirely new to him, unacquainted with the forms and ceremonies of other governments, still less apprized of those which might be properly established here, and himself perfectly indifferent to all forms, he wished them to consider and prescribe what they should be; and the task was assigned particularly to General Knox, a man of parade, and to Colonel Humphreys, who had resided some time at a foreign court. They, he said, were the authors of the present regulations, and that others were proposed so highly strained that he absolutely rejected them. Attentive to the difference of opinion prevailing on this subject, when the term of his second election arrived, he called the Heads of departments together, observed to them the situation in which he had been at the commencement of the government, the ad-

vice he had taken and the course he had observed in compliance with it; that a proper occasion had now arrived of revising that course, of correcting it in any particulars not approved in experience; and he desired us to consult together, agree on any changes we should think for the better, and that he should willingly conform to what we should advise. We met at my office. Hamilton and myself agreed at once that there was too much ceremony for the character of our government, and particularly, that the parade of the installation at New York ought not to be copied on the present occasion, that the President should desire the Chief Justice to attend him at his chambers, that he should administer the oath of office to him in the presence of the higher officers of the government, and that the certificate of the fact should be delivered to the Secretary of State to be recorded. Randolph and Knox differed from us, the latter vehemently; they thought it not advisable to change any of the established forms, and we authorized Randolph to report our opinions to the President. As these opinions were divided, and no positive advice given as to any change, no change was made. Thus the forms which I had censured in my letter to Mazzei were perfectly understood by General Washington, and were those which he himself but barely tolerated. He had furnished me a proper occasion for proposing their reformation, and my opinion not prevailing, he knew I could not have meant any part of the censure for him.

Mr. Pickering quotes, too, (page 34) the expression in the letter, of "the men who were Samsons in the field, and Solomons in the council, but who had had their heads shorn by the harlot England;" or, as expressed in their re-translation, "the men who were Solomons in council, and Samsons in combat, but whose hair had been cut off by the whore England." Now this expression also was perfectly understood by General Washington. He knew that I meant it for the Cincinnati generally, and that from what had passed between us at the commencement of that institution, I could not mean to include him. When the first meeting was called for its establishment, I was a member of

tne Congress then sitting at Annapolis. General Washington wrote to me, asking my opinion on that proposition, and the course, if any, which I thought Congress would observe respecting it. I wrote him frankly my own disapprobation of it; that I found the members of Congress generally in the same sentiment; that I thought they would take no express notice of it, but that in all appointments of trust, honor, or profit, they would silently pass by all candidates of that order, and give an uniform preference to others. On his way to the first meeting in Philadelphia, which I think was in the spring of 1784, he called on me at Annapolis. It was a little after candle-light, and he sat with me till after midnight, conversing, almost exclusively, on that subject. While he was feelingly indulgent to the motives which might induce the officers to promote it, he concurred with me entirely in condemning it; and when I expressed an idea that if the hereditary quality were suppressed, the institution might perhaps be indulged during the lives of the officers now living, and who had actually served; "no," he said, "not a fibre of it ought to be left, to be an eye-sore to the public, a ground of dissatisfaction, and a line of separation between them and their country;" and he left me with a determination to use all his influence for its entire suppression. On his return from the meeting he called on me again, and related to me the course the thing had taken. He said that from the beginning, he had used every endeavor to prevail on the officers to renounce the project altogether, urging the many considerations which would render it odious to their fellow citizens, and disreputable and injurious to themselves; that he had at length prevailed on most of the old officers to reject it, although with great and warm opposition from others, and especially the younger ones, among whom he named Colonel W. S. Smith as particularly intemperate. But that in this state of things, when he thought the question safe, and the meeting drawing to a close, Major L'Enfant arrived from France, with a bundle of eagles, for which he had been sent there, with letters from the French officers who had served in America, praying for admission into the order, and a solemn act

of their king permitting them to wear its ensign. This, he said, changed the face of matters at once, produced an entire revolution of sentiment, and turned the torrent so strongly in an opposite direction that it could be no longer withstood; all he could then obtain was a suppression of the hereditary quality. He added, that it was the French applications, and respect for the approbation of the king, which saved the establishment in its modified and temporary form. Disapproving thus of the institution as much as I did, and conscious that I knew him to do so, he could never suppose that I meant to include him among the Samsons in the field, whose object was to draw over us the *form*, as they made the letter say, of the British government, and especially its aristocratic member, an hereditary house of lords. Add to this, that the letter saying "that two out of the three branches of legislature were against us," was an obvious exception of him; it being well known that the majorities in the two branches of Senate and Representatives, were the very instruments which carried, in opposition to the old and real republicans, the measures which were the subjects of condemnation in this letter. General Washington then, understanding perfectly what and whom I meant to designate, in both phrases, and that they could not have any application or view to himself, could find in neither any cause of offence to himself; and therefore neither needed, nor ever asked any explanation of them from me. Had it even been otherwise, they must know very little of General Washington, who should believe to be within the laws of his character what Doctor Stuart is said to have imputed to him. Be this, however, as it may, the story is infamously false in every article of it. My last parting with General Washington was at the inauguration of Mr. Adams, in March, 1797, and was warmly affectionate; and I never had any reason to believe any change on his part, as there certainly was none on mine. But one session of Congress intervened between that and his death, the year following, in my passage to and from which, as it happened to be not convenient to call on him, I never had another opportunity; and as to the cessation of correspondence observed dur-

ing that short interval, no particular circumstance occurred for epistolary communication, and both of us were too much oppressed with letter-writing, to trouble, either the other, with a letter about nothing.

The truth is, that the federalists, pretending to be the exclusive friends of General Washington, have ever done what they could to sink his character, by hanging theirs on it, and by representing as the enemy of republicans him, who, of all men, is best entitled to the appellation of the father of that republic which they were endeavoring to subvert, and the republicans to maintain. They cannot deny, because the elections proclaimed the truth, that the great body of the nation approved the republican measures. General Washington was himself sincerely a friend to the republican principles of our constitution. His faith, perhaps, in its duration, might not have been as confident as mine; but he repeatedly declared to me, that he was determined it should have a fair chance for success, and that he would lose the last drop of his blood in its support, against any attempt which might be made to change it from its republican form. He made these declarations the oftener, because he knew my suspicions that Hamilton had other views, and he wished to quiet my jealousies on this subject. For Hamilton frankly avowed, that he considered the British constitution, with all the corruptions of its administration, as the most perfect model of government which had ever been devised by the wit of man; professing however, at the same time, that the spirit of this country was so fundamentally republican, that it would be visionary to think of introducing monarchy here, and that, therefore, it was the duty of its administrators to conduct it on the principles their constituents had elected.

General Washington, after the retirement of his first cabinet, and the composition of his second, entirely federal, and at the head of which was Mr. Pickering himself, had no opportunity of hearing both sides of any question. His measures, consequently, took more the hue of the party in whose hands he was. These measures were certainly not approved by the republicans; yet

were they not imputed to him, but to the counsellors around him; and his prudence so far restrained their impassioned course and bias, that no act of strong mark, during the remainder of his administration, excited much dissatisfaction. He lived too short a time after, and too much withdrawn from information, to correct the views into which he had been deluded; and the continued assiduities of the party drew him into the vortex of their intemperate career; separated him still farther from his real friends, and excited him to actions and expressions of dissatisfaction, which grieved them, but could not loosen their affections from him. They would not suffer the temporary aberration to weigh against the immeasurable merits of his life; and although they tumbled his seducers from their places, they preserved his memory embalmed in their hearts, with undiminished love and devotion; and there it forever will remain embalmed, in entire oblivion of every temporary thing which might cloud the glories of his splendid life. It is vain, then, for Mr. Pickering and his friends to endeavor to falsify his character, by representing him as an enemy to republicans and republican principles, and as exclusively the friend of those who were so; and had he lived longer, he would have returned to his ancient and unbiased opinions, would have replaced his confidence in those whom the people approved and supported, and would have seen that they were only restoring and acting on the principles of his own first administration.

I find, my dear Sir, that I have written you a very long letter, or rather a history. The civility of having sent me a copy of Mr. Pickering's diatribe, would scarcely justify its address to you. I do not publish these things, because my rule of life has been never to harass the public with fendings and provings of personal slanders; and least of all would I descend into the arena of slander with such a champion as Mr. Pickering. I have ever trusted to the justice and consideration of my fellow citizens, and have no reason to repent it, or to change my course. At this time of life too, tranquillity is the *summum bonum*. But although I decline all newspaper controversy, yet when falsehoods have been advanced, within the knowledge of no one so much as myself, I

have sometimes deposited a contradiction in the hands of a friend, which, if worth preservation, may, when I am no more, nor those whom I might offend, throw light on history, and recall that into the path of truth. And if of no other value, the present communication may amuse you with anecdotes not known to every one.

I had meant to have added some views on the amalgamation of parties, to which your favor of the 8th has some allusion; an amalgamation of name, but not of principle. Tories are tories still, by whatever name they may be called. But my letter is already too unmercifully long, and I close it here with assurances of my great esteem and respectful consideration.

TO MR. MADISON.

MONTICELLO, July 14, 1824.

DEAR SIR,—I have attentively read your letter to Mr. Wheaton on the question whether, at the date of the message to Congress recommending the embargo of 1807, we had knowledge of the order of council of November 11th; and according to your request I have resorted to my papers, as well as my memory, for the testimony these might afford additional to yours. There is no fact in the course of my life which I recollect more strongly, than that of my being at the date of the message in possession of an English newspaper containing a copy of the proclamation. I am almost certain, too, that it was under the ordinary authentication of the government; and between November 11th and December 17th, there was time enough (thirty-five days) to admit the receipt of such a paper, which I think came to me through a private channel, probably put on board some vessel about sailing, the moment it appeared.

Turning to my papers, I find that I had prepared a first draught of a message in which was this paragraph: "The British regulations had before reduced us to a direct voyage, to a single port of their enemies, and it is now believed they will interdict all

commerce whatever with them. A proclamation, too, of that government of——(not officially indeed communicated to us, yet so given out to the public as to become a rule of action with them,) seems to have shut the door on all negotiation with us except as to the single aggression on the Chesapeake." You, however, suggested a substitute (which I have now before me, written with a pencil and) which, with some unimportant amendments, I preferred to my own, and was the one I sent to Congress. It was in these words, "the *communications* now made, showing the great and increasing dangers with which seamen, &c., —— ports of the United States." This shows that we communicated to them papers of information on the subject; and as it was our interest, and our duty, to give them the strongest information we possessed to justify our opinion and their action on it, there can be no doubt we sent them this identical paper. For what stronger could we send them? I am the more strengthened in the belief that we did send it, from the fact, which the newspapers of the day will prove, that in the reprobations of the measure published in them by its enemies, they indulged themselves in severe criticisms on our having considered a newspaper as a proper document to lay before Congress, and a sufficient foundation for so serious a measure; and considering this as no sufficient information of the fact, they continued perseveringly to deny that we had knowledge of the order of council when we recommended the embargo; admitting, because they could not deny, the existence of the order, they insisted only on our supposed ignorance of it as furnishing them a ground of crimination. But I had no idea that this gratuitous charge was believed by any one at this day. In addition to our testimony, I am sure Mr. Gallatin, General Dearborne and Mr. Smith, will recollect that we possessed the newspaper, and acted on a view of the proclamation it contained. If you think this statement can add anything in corroboration of yours, make what use you please of it, and accept assurances of my constant affection and respect.

TO MR. LEWIS E. BECK, ALBANY.

I thank you, Sir, for your pamphlet on the climate of the west, and have read it with great satisfaction. Although it does not yet establish a satisfactory theory, it is an additional step towards it. Mine was perhaps the first attempt, not to form a theory, but to bring together the few facts then known, and suggest them to public attention. They were written between forty and fifty years ago, before the close of the revolutionary war, when the western country was a wilderness, untrodden but by the foot of the savage or the hunter. It is now flourishing in population and science, and after a few years more of observation and collection of facts, they will doubtless furnish a theory of solid foundation. Years are requisite for this, steady attention to the thermometer, to the plants growing there, the times of their leafing and flowering, its animal inhabitants, beasts, birds, reptiles and insects; its prevalent winds, quantities of rain and snow, temperature of fountains, and other indexes of climate. We want this indeed for all the States, and the work should be repeated once or twice in a century, to show the effect of clearing and culture towards changes of climate. My Notes give a very imperfect idea of what our climate was, half a century ago, at this place, which being nearly central to the State may be taken for its medium. Latterly, after seven years of close and exact observation, I have prepared an estimate of what it is now, which may some day be added to the former work; and I hope something like this is doing in the other States, which, when all shall be brought together, may produce theories meriting confidence. I trust that yourself will not be inattentive to this service, and that to that of the present epoch you may be able to add a second at the distance of another half century. With this wish accept the assurance of my respectful consideration.

TO H. LEE.

MONTICELLO, August 10, 1824.

SIR,—I have duly received your favor of the 14th, and with it the prospectus of a newspaper which it covered. If the style and spirit of that should be maintained in the paper itself, it will be truly worthy of the public patronage. As to myself, it is many years since I have ceased to read but a single paper. I am no longer, therefore, a general subscriber for any other. Yet, to encourage the hopeful in the outset, I have sometimes subscribed for the first year on condition of being discontinued at the end of it, without further warning. I do the same now with pleasure for yours; and unwilling to have outstanding accounts, which I am liable to forget, I now enclose the price of the tri-weekly paper. I am no believer in the amalgamation of parties, nor do I consider it as either desirable or useful for the public; but only that, like religious differences, a difference in politics should never be permitted to enter into social intercourse, or to disturb its friendships, its charities, or justice. In that form, they are censors of the conduct of each other, and useful watchmen for the public. Men by their constitutions are naturally divided into two parties: 1. Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2. Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, although not the most wise depository of the public interests. In every country these two parties exist, and in every one where they are free to think, speak, and write, they will declare themselves. Call them, therefore, liberals and serviles, Jacobins and ultras, whigs and tories, republicans and federalists, aristocrats and democrats, or by whatever name you please, they are the same parties still, and pursue the same object. The last appellation of aristocrats and democrats is the true one expressing the essence of all. A paper which shall be governed by the spirit of Mr. Madison's celebrated report, of which you express in your prospectus so just and high an appro-

bation, cannot be false to the rights of all classes. The grandfathers of the present generation of your family I knew well. They were friends and fellow laborers with me in the same cause and principle. Their descendants cannot follow better guides. Accept the assurance of my best wishes and respectful consideration.

TO MR. WM. LUDLOW.

MONTICELLO, September 6. 1824.

SIR,—The idea which you present in your letter of July 30th, of the progress of society from its rudest state to that it has now attained, seems conformable to what may be probably conjectured. Indeed, we have under our eyes tolerable proofs of it. Let a philosophic observer commence a journey from the savages of the Rocky Mountains, eastwardly towards our sea-coast. These he would observe in the earliest stage of association living under no law but that of nature, subscribing and covering themselves with the flesh and skins of wild beasts. He would next find those on our frontiers in the pastoral state, raising domestic animals to supply the defects of hunting. Then succeed our own semi-barbarous citizens, the pioneers of the advance of civilization, and so in his progress he would meet the gradual shades of improving man until he would reach his, as yet, most improved state in our seaport towns. This, in fact, is equivalent to a survey, in time, of the progress of man from the infancy of creation to the present day. I am eighty-one years of age, born where I now live, in the first range of mountains in the interior of our country. And I have observed this march of civilization advancing from the sea coast, passing over us like a cloud of light, increasing our knowledge and improving our condition, insomuch as that we are at this time more advanced in civilization here than the seaports were when I was a boy. And where this progress will stop no one can say. Barbarism has, in the meantime, been receding before the steady step of amelioration; and will in time, I trust, disappear from the earth. You seem to

think that this advance has brought on too complicated a state of society, and that we should gain in happiness by treading back our steps a little way. I think, myself, that we have more machinery of government than is necessary, too many parasites living on the labor of the industrious. I believe it might be much simplified to the relief of those who maintain it. Your experiment seems to have this in view. A society of seventy families, the number you name, may very possibly be governed as a single family, subsisting on their common industry, and holding all things in common. Some regulators of the family you still must have, and it remains to be seen at what period of your increasing population your simple regulations will cease to be sufficient to preserve order, peace, and justice. The experiment is interesting; I shall not live to see its issue, but I wish it success equal to your hopes, and to yourself and society prosperity and happiness.

TO GENERAL LA FAYETTE.

MONTICELLO, October 9, 1824.

I have duly received, my dear friend and General, your letter of the 1st from Philadelphia, giving us the welcome assurance that you will visit the neighborhood which, during the march of our enemy near it, was covered by your shield from his robberies and ravages. In passing the line of your former march you will experience pleasing recollections of the good you have done. My neighbors, too, of our academical village, who well remember their obligations to you, have expressed to you, in a letter from a committee appointed for that purpose, their hope that you will accept manifestations of their feelings, simple indeed, but as cordial as any you will have received. It will be an additional honor to the University of the State that you will have been its first guest. Gratify them, then, by this assurance to their committee, if it has not been done. But what recollections, dear friend, will this call up to you and me! What a history have

we to run over from the evening that yourself, Mousnier, Bernau, and other patriots settled, in my house in Paris, the outlines of the constitution you wished! And to trace it through all the disastrous chapters of Robespierre, Barras, Bonaparte, and the Bourbons! These things, however, are for our meeting. You mention the return of Miss Wright to America, accompanied by her sister; but do not say what her stay is to be, nor what her course. Should it lead her to a visit of our University, which, in its architecture only, is as yet an object, herself and her companion will nowhere find a welcome more hearty than with Mrs. Randolph, and all the inhabitants of Monticello. This Athenæum of our country, in embryo, is as yet but promise; and not in a state to recall the recollections of Athens. But everything has its beginning, its growth, and end; and who knows with what future delicious morsels of philosophy, and by what future Miss Wright raked from its ruins, the world may, some day, be gratified and instructed? Your son George we shall be very happy indeed to see, and to renew in him the recollections of your very dear family; and the revolutionary merit of M. le Vasseur has that passport to the esteem of every American, and, to me, the additional one of having been your friend and co-operator, and he will, I hope, join you in making head-quarters with us at Monticello. But all these things *à revoir*, in the meantime we are impatient that your ceremonies at York should be over, and give you to the embraces of friendship.

P. S. Will you come by Mr. Madison's, or let him or me know on what day he may meet you here, and join us in our greetings?

TO MR. RUSH.

MONTICELLO, October 13, 1824.

DEAR SIR,—I must again beg the protection of your cover for a letter to Mr. Gilmer; although a little doubtful whether he may not have left you.

You will have seen by our papers the delirium into which our citizens are thrown by a visit from General La Fayette. He is making a triumphant progress through the States, from town to town, with acclamations of welcome, such as no crowned head ever received. It will have a good effect in favor of the General with the people in Europe, but probably a different one with their sovereigns. Its effect here, too, will be salutary as to ourselves, by rallying us together and strengthening the habit of considering our country as one and indivisible, and I hope we shall close it with something more solid for him than dinners and balls. The eclat of this visit has almost merged the Presidential question, on which nothing scarcely is said in our papers. That question will lie ultimately between Crawford and Adams; but, at the same time, the vote of the people will be so distracted by subordinate candidates, that possibly they may make no election, and let it go to the House of Representatives. There, it is thought, Crawford's chance is best. We have nothing else interesting before the public. Of the two questions of the tariff and public improvements, the former, perhaps, is not yet at rest, and the latter will excite boisterous discussions. It happens that both these measures fall in with the western interests, and it is their secession from the agricultural States which gives such strength to the manufacturing and consolidating parties, on these two questions. The latter is the most dreaded, because thought to amount to a determination in the federal government to assume all powers non-enumerated as well as enumerated in the constitution, and by giving a loose to construction, make the text say whatever will relieve them from the bridle of the States. These are difficulties for your day; I shall give them the slip. Accept the assurance of my friendly attachment and great respect.

TO EDWARD EVERETT.

MONTICELLO, October 15, 1824.

DEAR SIR,—I have yet to thank for your Φ. C. K. oration, delivered in presence of General La Fayette. It is all excellent

much of it sublimely so, well worthy of its author and his subject, of whom we may truly say, as was said of Germanicus, "*fruitur famâ sui.*"

Your letter of September the 10th gave me the first information that mine to Major Cartwright had got into the newspapers; and the first notice, indeed, that he had received it. I was a stranger to his person, but not to his respectable and patriotic character. I received from him a long and interesting letter, and answered it with frankness, going without reserve into several subjects, to which his letter had led, but on which I did not suppose I was writing for the newspapers. The publication of a letter in such a case, without the consent of the writer, is not a fair practice.

The part which you quote, may draw on me the host of judges and divines. They may cavil but cannot refute it. Those who read Prisot's opinion with a candid view to understand, and not to chicane it, cannot mistake its meaning. The reports in the Year-books were taken very short. The opinions of the judges were written down sententiously, as notes or memoranda, and not with all the development which they probably used in delivering them. Prisot's opinion, to be fully expressed, should be thus paraphrased: "To such laws as those of holy church have recorded, and preserved in their ancient books and writings, it is proper for us to give credence; for so is, or so says the common law, or law of the land, on which all manner of other laws rest for their authority, or are founded; that is to say, the common law, or the law of the land common to us all, and established by the authority of us all, is that from which is derived the authority of all other special and subordinate branches of law, such as the canon law, law merchant, law maritime, law of Gavelkind, Borough English, corporation laws, local customs and usages, to all of which the common law requires its judges to permit authority in the special or local cases belonging to them. The evidence of these laws is preserved in their ancient treatises, books and writings, in like manner as our own common law itself is known, the text of its original enactments having been long lost, and its substance only preserved in ancient and traditionary writings. And if it appears,

from their ancient books, writings and records, that the bishop, in this case, according to the rules prescribed by these authorities, has done what an ordinary would have done in such case, then we should adjudge it good, otherwise not." To decide this question, they would have to turn to the ancient writings and records of the canon law, in which they would find evidence of the laws of advowsons, *quare impedit*, the duties of bishops and ordinaries, for which terms Prisot could never have meant to refer them to the Old or New Testament, *les saincts scriptures*, where surely they would not be found. A license which should permit "*ancien scripture*" to be translated "holy scripture," annihilates at once all the evidence of language. With such a license, we might reverse the sixth commandment into "thou shalt not omit murder." It would be the more extraordinary in this case, where the mistranslation was to effect the adoption of the whole code of the Jewish and Christian laws into the text of our statutes, to convert religious offences into temporal crimes, to make the breach of every religious precept a subject of indictment, submit the question of idolatry, for example, to the trial of a jury, and to a court, its punishment, to the third and fourth generation of the offender. Do we allow to our judges this lumping legislation?

The term "common law," although it has more than one meaning, is perfectly definite, *secundum subjectam materiem*. Its most probable origin was on the conquest of the Heptarchy by Alfred, and the amalgamation of their several codes of law into one, which became *common* to them all. The authentic text of these enactments has not been preserved; but their substance has been committed to many ancient books and writings, so faithfully as to have been deemed genuine from generation to generation, and obeyed as such by all. We have some fragments of them collected by Lambard, Wilkins and others, but abounding with proofs of their spurious authenticity. Magna Charta is the earliest statute, the text of which has come down to us in an authentic form, and thence downward we have them entire. We do not know exactly when the *common* law and *statute* law, the *lex scripta et non scripta*, began to be contra-distinguished, so as to give a second

acceptation to the former term; whether before, or after Prisot's day, at which time we know that nearly two centuries and a half of statutes were in preservation. In later times, on the introduction of the chancery branch of law, the term *common* law began to be used in a third sense, as the correlative of *chancery* law. This, however, having been long after Prisot's time, could not have been the sense in which he used the term. He must have meant the ancient *lex non scripta*, because, had he used it as inclusive of the *lex scripta*, he would have put his finger on the statute which had enjoined on the judges a deference to the laws of holy church. But no such statute existing, he must have referred to the common law in the sense of a *lex non scripta*. Whenever, then, the term *common law* is used in either of these senses, and it is never employed in any other, it is readily known in which of them, by the context and subject matter under consideration; which, in the present case, leave no room for doubt.

I do not remember the occasion which led me to take up this subject, while a practitioner of the law. But I know I went into it with all the research which a very copious law library enabled me to indulge; and I fear not for the accuracy of any of my quotations. The doctrine might be disproved by many other and different topics of reasoning; but having satisfied myself of the origin of the forgery, and found how, like a rolling snow-ball, it had gathered volume, I leave its further pursuit to those who need further proof, and perhaps I have already gone further than the feeble doubt you expressed might require.

I salute you with great esteem and respect.

TO ———.

MONTICELLO, December 22, 1824.

DEAR SIR,—The proposition to remove William and Mary College to Richmond with all its present funds, and to add to it a musical school, is nothing more nor less than to remove the University also to that place. Because, if both remain, there will

not be students enough to make either worthy the acceptance of men of the first order of science. They must each fall down to the level of our present academies, under the direction of common teachers, and our state of education must stand exactly where it now is. Few of the States have been able to maintain one university, none two. Surely the legislature, after such an expense incurred for a real university, and just as it is prepared to go into action under hopeful auspices, will not consent to destroy it by this side-wind. As to the best course to be taken with William and Mary, I am not so good a judge as our colleagues on the spot. They have under their eyes the workings of the enemies of the University, masked and unmasked, and the intrigues of Richmond, which, after failing to obtain it in the first instance, endeavors to steal its location at this late hour. And they can best see what measures are most likely to counteract these insidious designs. On the question of the removal, I think our particular friends had better take no active part, but vote silently for or against it, according to their own judgment as to the public utility; and if they divide on the question, so much the better perhaps. I am glad the visitors and professors have invoked the interference of the legislature, because it is an acknowledgment of its authority on behalf of the State to superintend and control it, of which I never had a doubt. It is an institution established for the public good, and not for the personal emolument of the professors, endowed from the public lands and organized by the executive functionary whose legal office it was. The acquiescence of both corporations under the authority of the legislature, removes what might otherwise have been a difficulty with some. If the question of removal be decided affirmatively, the next is, how shall their funds be disposed of most advantageously for the State in general? These are about one hundred thousand dollars too much for a secondary or local institution. The giving a part of them to a school at Winchester, and part to Hampden Sidney, is well, as far as it goes; but does not go far enough. Why should not every part of the State participate equally of the benefit of this reversion of right which

accrues to the whole equally? This would be no more a violation of law than the giving it to a few. You know that the Rockfish report proposed an intermediate grade of schools between the primary and the university. In that report the objects of the middle schools are stated. See page 10 of the copy I now enclose you. In these schools should be taught Latin and Greek, to a good degree, French also, numerical arithmetic, the elements of geometry, surveying, navigation, geography, the use of the globes, the outlines of the solar system, and elements of natural philosophy. Two professors would suffice for these, to wit: one for languages, the other for so much of mathematics and natural philosophy as is here proposed. This degree of education would be adapted to the circumstances of a very great number of our citizens, who, being intended for lives of business, would not aim at an university education. It would give us a body of yeomanry, too, of substantial information, well prepared to become a firm and steady support to the government; as schools of ancient languages, too, they would be preparatories for the University.

You have now an happy opportunity of carrying this intermediate establishment into execution without laying a cent of tax on the people, or taking one from the treasury. Divide the State into college districts of about eighty miles square each. There would be about eight such districts below the Alleghany, and two beyond it, which would be necessarily of larger extent because of the sparseness of their population. The only advance these colleges would call for, would be for a dwelling house for the teacher, of about one thousand two hundred dollars cost, and a boarding house with four or five bed rooms, and a school room for probably about twenty or thirty boys. The whole should not cost more than five thousand dollars, but the funds of William and Mary would enable you to give them ten thousand dollars each. The districts might be so laid off that the principal towns and the academies now existing might form convenient sites for their colleges; as, for example, Williamsburgh, Richmond, Fredericksburg, Hampden Sidney, Lynchburg or Lexing-

ton, Staunton, Winchester, &c. Thus, of William and Mary, you will make ten colleges, each as useful as she ever was, leaving one in Williamsburg by itself, placing as good a one within a day's ride of every man in the State, and get our whole scheme of education completely established.

I have said that no advance is necessary but for the erection of the buildings for these schools. Because the boys sent to them would be exclusively of a class of parents in competent circumstances to pay teachers for the education of their own children. The ten thousand dollars given to each, would afford a surplus to maintain by its interest one or two persons duly selected for their genius, from the primary schools, of those too poor to proceed farther of their own means. You will remember that of the three bills I originally gave you, one was for these district colleges, and going into the necessary details. Will you not have every member in favor of this proposition, except those who are for gobbling up the whole funds themselves? The present professors might all be employed in the college of Richmond or Williamsburg, or any other they would prefer, with reasonable salaries in the meantime, until the system should get under way. This occasion of completing our system of education is a God-send which ought not to pass away neglected. Many may be startled at the first idea. But reflection on the justice and advantage of the measure will produce converts daily and hourly to it. I certainly would not propose that the University should claim a cent of these funds in competition with the district colleges.

Would it not be better to say nothing about the last donation of fifty thousand dollars, and endeavor to get the money from Congress, and to press for it immediately. I cannot doubt their allowing it, and it would be much better to get it from them than to revive the displeasure of our own legislature.

You are aware that we have yet two professors to appoint, to wit: of natural history and moral philosophy, and that we have no time to lose. I propose that such of our colleagues as are of the legislature, should name a day of meeting, convenient to

themselves, and give notice of it by mail to Mr. Madison, General Cocke, and myself. But it should not be till the arrival of the three professors expected at Norfolk. On their arrival only can we publish the day of opening. Our Richmond mail-stage arrives here on Sunday and departs on Wednesday, and arrives again on Thursday and departs on Sunday. Each affording two spare intervening days, and requiring from here an absence of six days.

Mr. Long, professor of ancient languages, is located in his apartments at the University. He drew, by lot, pavilion No. 5. He appears to be a most amiable man, of fine understanding, well qualified for his department, and acquiring esteem as fast as he becomes known. Indeed, I have great hope that the whole selection will fulfil our wishes. Ever and affectionately yours.

TO JOHN ADAMS.

MONTICELLO, January 8, 1825.

DEAR SIR,—It is long since I have written to you. This proceeds from the difficulty of writing with my crippled wrist, and from an unwillingness to add to your inconveniences of either reading by the eyes, or writing by the hands of others. The account I receive of your physical situation afflicts me sincerely; but if body or mind was one of them to give way, it is a great comfort that it is the mind which remains whole, and that its vigor, and that of memory continues firm. Your hearing, too, is good, as I am told. In this you have the advantage of me. The dulness of mine makes me lose much of the conversation of the world, and much a stranger to what is passing in it. Acquiescence is the only pillow, although not always a soft one. I have had one advantage of you. This Presidential election has given me few anxieties. With you this must have been impossible, independently of the question, whether we are at last to end our days under a civil or a military government. I am comforted and protected from other solicitudes by the cares of our Universi-

ty. In some departments of science we believe Europe to be in advance before us, and that it would advance ourselves were we to draw from thence instructors in these branches, and thus to improve our science, as we have done our manufactures, by borrowed skill. I have been much squibbed for this, perhaps by disappointed applicants for professorships, to which they were deemed incompetent. We wait only the arrival of three of the professors engaged in England, to open our University.

I have lately been reading the most extraordinary of all books, and at the same time the most demonstrative by numerous and unequivocal facts. It is Flourend's experiments on the functions of the nervous system, in vertebrated animals. He takes out the cerebrum completely, leaving the cerebellum and other parts of the system uninjured. The animal loses all its senses of hearing, seeing, feeling, smelling, tasting, is totally deprived of will, intelligence, memory, perception, &c. Yet lives for months in perfect health, with all its powers of motion, but without moving but on external excitement, starving even on a pile of grain, unless crammed down its throat; in short, in a state of the most absolute stupidity. He takes the cerebellum out of others, leaving the cerebrum untouched. The animal retains all its senses, faculties, and understanding, but loses the power of regulated motion, and exhibits all the symptoms of drunkenness. While he makes incisions in the cerebrum and cerebellum, lengthwise and crosswise, which heal and get well, a puncture in the medulla elongata is instant death; and many other most interesting things too long for a letter. Cabanis had proved by the anatomical structure of certain portions of the human frame, that they might be capable of receiving from the hand of the Creator the faculty of thinking; Flourens proves that they have received it; that the cerebrum is the thinking organ; and that life and health may continue, and the animal be entirely without thought, if deprived of that organ. I wish to see what the spiritualists will say to this. Whether in this state the soul remains in the body, deprived of its essence of thought? or whether it leaves it, as in death, and where it goes? His memoirs and experiments have

been reported on with approbation by a committee of the institute, composed of Cuvier, Bertholet, Dumaril, Portal and Pinel. But all this, you and I shall know better when we meet again, in another place, and at no distant period. In the meantime, that the revived powers of your frame, and the anodyne of philosophy may preserve you from all suffering, is my sincere and affectionate prayer.

TO WILLIAM SHORT, ESQ.

MONTICELLO, January 8, 1825.

DEAR SIR,—I returned the first volume of Hall by a mail of a week ago, and by this, shall return the second. We have kept them long, but every member of the family wished to read his book, in which case, you know, it had a long gauntlet to run. It is impossible to read thoroughly such writings as those of Harper and Otis, who take a page to say what requires but a sentence, or rather, who give you whole pages of what is nothing to the purpose. A cursory race over the ground is as much as they can claim. It is easy for them, at this day, to endeavor to whitewash their party, when the greater part are dead of those who witnessed what passed, others old and become indifferent to the subject, and others indisposed to take the trouble of answering them. As to Otis, his attempt is to prove that the sun does not shine at mid-day; that that is not a fact which every one saw. He merits no notice. It is well known that Harper had little scruple about facts where detection was not obvious. By placing in false lights whatever admits it, and passing over in silence what does not, a plausible aspect may be presented of anything. He takes great pains to prove, for instance, that Hamilton was no monarchist, by exaggerating his own intimacy with him, and the impossibility, if he was so, that he should not, at some time, have betrayed it to him. This may pass with uninformed readers, but not with those who have had it from Hamilton's own mouth. I am one of those, and but one of many. At

my own table, in presence of Mr. Adams, Knox, Randolph, and myself, in a dispute between Mr. Adams and himself, he avowed his preference of monarchy over every other government, and his opinion that the English was the most perfect model of government ever devised by the wit of man, Mr. Adams agreeing "if its corruptions were done away." While Hamilton insisted that "with these corruptions it was perfect, and without them it would be an impracticable government." Can any one read Mr. Adams' defence of the American constitutions without seeing that he was a monarchist? And J. Q. Adams, the son, was more explicit than the father, in his answer to Paine's rights of man. So much for leaders. Their followers were divided. Some went the same lengths, others, and I believe the greater part, only wished a stronger Executive. When I arrived at New York in 1790, to take a part in the administration, being fresh from the French revolution, while in its first and pure stage, and consequently somewhat whetted up in my own republican principles, I found a state of things, in the general society of the place, which I could not have supposed possible. Being a stranger there, I was feasted from table to table, at large set dinners, the parties generally from twenty to thirty. The revolution I had left, and that we had just gone through in the recent change of our own government, being the common topics of conversation, I was astonished to find the general prevalence of monarchical sentiments, insomuch that in maintaining those of republicanism, I had always the whole company on my hands, never scarcely finding among them a single co-advocate in that argument, unless some old member of Congress happened to be present. The furthest that any one would go, in support of the republican features of our new government, would be to say, "the present constitution is well as a beginning, and may be allowed a fair trial; but it is, in fact, only a stepping stone to something better." Among their writers, Denny, the editor of the Portfolio, who was a kind of oracle with them, and styled the Addison of America, openly avowed his preference of monarchy over all other forms of government, prided himself on the avowal, and maintained it by ar-

gument freely and without reserve, in his publications. I do not, myself, know that the Essex junto of Boston were monarchists, but I have always heard it so said, and never doubted.

These, my dear Sir, are but detached items from a great mass of proofs then fully before the public. They are unknown to you, because you were absent in Europe, and they are now disavowed by the party. But, had it not been for the firm and determined stand then made by a counter-party, no man can say what our government would have been at this day. Monarchy, to be sure, is now defeated, and they wish it should be forgotten that it was ever advocated. They see that it is desperate, and treat its imputation to them as a calumny; and I verily believe that none of them have it now in direct aim. Yet the spirit is not done away. The same party takes now what they deem the next best ground, the consolidation of the government; the giving to the federal member of the government, by unlimited constructions of the constitution, a control over all the functions of the States, and the concentration of all power ultimately at Washington.

The true history of that conflict of parties will never be in possession of the public, until, by the death of the actors in it, the hoards of their letters shall be broken up and given to the world. I should not fear to appeal to those of Harper himself, if he has kept copies of them, for abundant proof that he was himself a monarchist. I shall not live to see these unrevealed proofs, nor probably you; for time will be requisite. But time will, in the end, produce the truth. And, after all, it is but a truth which exists in every country, where not suppressed by the rod of despotism. Men, according to their constitutions, and the circumstances in which they are placed, differ honestly in opinion. Some are whigs, liberals, democrats, call them what you please. Others are tories, serviles, aristocrats, &c. The latter fear the people, and wish to transfer all power to the higher classes of society; the former consider the people as the safest depository of power in the last resort; they cherish them therefore, and wish to leave in them all the powers to the exercise of which

they are competent. This is the division of sentiment now existing in the United States. It is the common division of whig and tory, or according to our denominations of republican and federal; and is the most salutary of all divisions, and ought, therefore, to be fostered, instead of being amalgamated. For, take away this, and some more dangerous principle of division will take its place. But there is really no amalgamation. The parties exist now as heretofore. The one, indeed, has thrown off its old name, and has not yet assumed a new one, although obviously consolidationists. And among those in the offices of every denomination I believe it to be a bare minority.

I have gone into these facts to show how one-sided a view of this case Harper has presented. I do not recall these recollections with pleasure, but rather wish to forget them, nor did I ever permit them to affect social intercourse. And now, least of all, am disposed to do so. Peace and good will with all mankind is my sincere wish. I willingly leave to the present generation to conduct their affairs as they please. And in my general affection to the whole human family, and my particular devotion to my friends, be assured of the high and special estimation in which yourself is cordially held.

TO JOSEPH C. CABELL.

MONTICELLO, January 11, 1825.

DEAR SIR,—We are dreadfully nonplussed here by the non-arrival of our three Professors. We apprehend that the idea of our opening on the 1st of February prevails so much abroad, (although we have always mentioned it doubtfully,) as that the students will assemble on that day without awaiting the further notice which was promised. To send them away will be discouraging, and to open an University without Mathematics or Natural Philosophy would bring on us ridicule and disgrace. We therefore publish an advertisement, stating that on *the arrival*

of these Professors, notice will be given of the day of opening the institution.

Governor Barbour writes me hopefully of getting our fifty thousand dollars from Congress. The proposition has been originated in the House of Representatives, referred to the committee of claims, the chairman of which has prepared a very favorable report, and a bill conformable, assuming the repayment of all interest which the State has actually paid. The legislature will certainly owe to us the recovery of this money; for had they not given it in some measure the reverenced character of a donation for the promotion of learning, it would never have been paid. It is to be hoped, therefore, that the displeasure incurred by wringing it from them at the last session, will now give way to a contrary feeling, and even place us on a ground of some merit. Should this sentiment take place, and the arrival of our Professors, and filling our dormitories with students on the 1st of February, encourage them to look more favorably towards us, perhaps it might dispose them to enlarge somewhat their order on the same fund. You observe the Proctor has stated in a letter accompanying our Report, that it will take about twenty-five thousand dollars more than we have to finish the Rotunda. Besides this, an Anatomical theatre (costing about as much as one of our hotels, say about five thousand dollars,) is indispensable to the school of Anatomy. There cannot be a single dissection until a proper theatre is prepared, giving an advantageous view of the operation to those within, and effectually excluding observation from without. Either the additional sums, therefore, of twenty-five thousand and five thousand dollars will be wanting, or we must be permitted to appropriate a part of the fifty thousand to a theatre, leaving the Rotunda unfinished for the present. Yet I should think neither of these objects an equivalent for renewing the displeasure of the legislature. Unless we can carry their hearty patronage with us, the institution can never flourish. I would not, therefore, hint at this additional aid, unless it were agreeable to our friends generally, and tolerably sure of being carried without irritation.

In your letter of December the 31st, you say my "hand-writing and my letters have great effect there," *i. e.* at Richmond. I am sensible, my dear Sir, of the kindness with which this encouragement is held up to me. But my views of their effect are very different. When I retired from the administration of public affairs, I thought I saw some evidence that I retired with a good degree of public favor, and that my conduct in office had been considered, by the one party at least, with approbation, and with acquiescence by the other. But the attempt in which I have embarked so earnestly, to procure an improvement in the moral condition of my native State, although, perhaps, in other States it may have strengthened good dispositions, it has assuredly weakened them within our own. The attempt ran foul of so many local interests, of so many personal views, and so much ignorance, and I have been considered as so particularly its promoter, that I see evidently a great change of sentiment towards myself. I cannot doubt its having dissatisfied with myself a respectable minority, if not a majority of the House of Delegates. I feel it deeply, and very discouragingly. Yet I shall not give way. I have ever found in my progress through life, that, acting for the public, if we do always what is right, the approbation denied in the beginning will surely follow us in the end. It is from posterity we are to expect remuneration for the sacrifices we are making for their service, of time, quiet and good will. And I fear not the appeal. The multitude of fine young men whom we shall redeem from ignorance, who will feel that they owe to us the elevation of mind, of character and station they will be able to attain from the result of our efforts, will insure their remembering us with gratitude. We will not, then, be "weary in well-doing." *Usque ad aras amicus tuus.*

TO GENERAL ALEXANDER SMYTH.

MONTICELLO, January 17, 1825.

DEAR SIR,—I have duly received four proof sheets of your explanation of the Apocalypse, with your letters of December 29th

and January 8th ; in the last of which you request that, so soon as I shall be of opinion that the explanation you have given is correct, I would express it in a letter to you. From this you must be so good as to excuse me, because I make it an invariable rule to decline ever giving opinions on new publications in any case whatever. No man on earth has less taste or talent for criticism than myself, and least and last of all should I undertake to criticize works on the Apocalypse. It is between fifty and sixty years since I read it, and I then considered it as merely the ravings of a maniac, no more worthy nor capable of explanation than the incoherences of our own nightly dreams. I was, therefore, well pleased to see, in your first proof sheet, that it was said to be not the production of St. John, but of Cerinthus, a century after the death of that apostle. Yet the change of the author's name does not lessen the extravagances of the composition ; and come they from whomsoever they may, I cannot so far respect them as to consider them as an allegorical narrative of events, past or subsequent. There is not coherence enough in them to countenance any suite of rational ideas. You will judge, therefore, from this how impossible I think it that either your explanation, or that of any man in " the heavens above, or on the earth beneath," can be a correct one. What has no meaning admits no explanation ; and pardon me if I say, with the candor of friendship, that I think your time too valuable, and your understanding of too high an order, to be wasted on these paralogisms. You will perceive, I hope, also, that I do not consider them as revelations of the Supreme Being, whom I would not so far blaspheme as to impute to him a pretension of revelation, couched at the same time in terms which, he would know, were never to be understood by those to whom they were addressed. In the candor of these observations, I hope you will see proofs of the confidence, esteem and respect which I truly entertain for you.

JOHN ADAMS TO THOMAS JEFFERSON.

Quincy, January 23, 1825.

My Dear Sir,—We think ourselves possessed, or at least we boast that we are so, of liberty of conscience on all subjects and of the right of free inquiry and private judgment in all cases, and yet how far are we from these exalted privileges in fact. There exists, I believe, throughout the whole Christian world, a law which makes it blasphemy to deny, or to doubt the divine inspiration of all the books of the Old and New Testaments, from Genesis to Revelations. In most countries of Europe it is punished by fire at the stake, or the rack, or the wheel. In England itself, it is punished by boring through the tongue with a red-hot poker. In America it is not much better; even in our Massachusetts, which, I believe, upon the whole, is as temperate and moderate in religious zeal as most of the States, a law was made in the latter end of the last century, repealing the cruel punishments of the former laws, but substituting fine and imprisonment upon all those blasphemies upon any book of the Old Testament or New. Now, what free inquiry, when a writer must surely encounter the risk of fine or imprisonment for adducing any arguments for investigation into the divine authority of those books? Who would run the risk of translating Volney's Recherches Nouvelles? Who would run the risk of translating Dapin's? But I cannot enlarge upon this subject, though I have it much at heart. I think such laws a great embarrassment, great obstructions to the improvement of the human mind. Books that cannot bear examination, certainly ought not to be established as divine inspiration by penal laws. It is true, few persons appear desirous to put such laws in execution, and it is also true that some few persons are hardy enough to venture to depart from them; but as long as they continue in force as laws, the human mind must make an awkward and clumsy progress in its investigations. I wish they were repealed. The substance and essence of Christianity, as I understand it, is eternal and unchangeable, and will bear examination forever; but it has been

mixed with extraneous ingredients, which, I think, will not bear examination, and they ought to be separated. Adieu.

TO ———.*

MONTICELLO, February 3, 1825.

DEAR SIR,—Although our Professors were, on the 5th of December, still in an English port, that they were safe raises me from the dead, for I was almost ready to give up the ship. That was eight weeks ago; they may therefore be daily expected.

In most public seminaries text-books are prescribed to each of the several schools, as the *norma docendi* in that school; and this is generally done by authority of the trustees. I should not propose this generally in our University, because I believe none of us are so much at the heights of science in the several branches, as to undertake this, and therefore that it will be better left to the Professors until occasion of interference shall be given. But there is one branch in which we are the best judges, in which heresies may be taught, of so interesting a character to our own State and to the United States, as to make it a duty in us to lay down the principles which are to be taught. It is that of government. Mr. Gilmer being withdrawn, we know not who his successor may be. He may be a Richmond lawyer, or one of that school of quondam federalism, now consolidation. It is our duty to guard against such principles being disseminated among our youth, and the diffusion of that poison, by a previous prescription of the texts to be followed in their discourses. I therefore enclose you a resolution which I think of proposing at our next meeting, strictly confiding it to your own knowledge alone, and to that of Mr. Loyall, to whom you may communicate it, as I am sure it will harmonize with his principles. I wish it kept to ourselves, because I have always found that the less such things are spoken of beforehand, the less obstruction is contrived to be thrown in their way. I have communicated it to Mr. Madison.

Should the bill for district colleges pass in the end, our scheme

* Address lost.

of education will be complete. But the branch of primary schools may need attention, and should be brought, like the rest, to the forum of the legislature. The Governor, in his annual message, gives a favorable account of them in the lump. But this is not sufficient. We should know the operation of the law establishing these schools more in detail. We should know how much money is furnished to each county every year, and how much education it distributes every year, and such a statement should be laid before the legislature every year. The sum of education rendered in each county in each year should be estimated by adding together the number of months which each scholar attended, and stating the sum total of the months which all of them together attended, *e. g.*, if in any county one scholar attended two months, three others four months each, eight others six months each, then the sum of these added together will make sixty-two months of schooling afforded in the county that year; and the number of sixty-two months entered in a table opposite to the name of the county, gives a satisfactory idea of the sum or quantum of education it rendered in that year. This will enable us to take many interesting and important views of the sufficiency of the plan established, and of the amendments necessary to produce the greatest effect. I enclose a form of the table which would be required, in which you will of course be sensible that the numbers entered are at hap-hazard, and *exempli gratia*, as I know nothing of the sums furnished or quantum of education rendered in each or any county. I send also the form of such a resolution as should be passed by the one or the other house, perhaps better in the lower one, and moved by some member nowise connected with us, for the less we appear before the house, the less we shall excite dissatisfaction.

I mentioned to you formerly our want of an anatomical hall for dissection. But if we get the fifty thousand dollars from Congress, we can charge to that, as the library fund, the six thousand dollars of the building fund which we have advanced for it in books and apparatus, and repaying from the former the six thousand dollars due to the latter, apply so much of it as is nec-

essary for the anatomical building. No application on the subject need therefore be made to our legislature. But I hear nothing of our prospects before Congress. Yours affectionately.

Resolved, That the Governor be requested to have prepared and laid before the legislature, at their next session, a statement in detail of the sum of education which, under the law establishing primary schools, has been rendered in the schools of each county respectively; that it be stated in a tabular form, in the first column of which table shall be the names of the counties alphabetically arranged, and then, for every year, two other columns, in the first of which shall be entered, opposite to the name of each county, the sum of money furnished it in that year, and in the second shall be stated the sum of education rendered in the same county and year; which sum is to be estimated by adding together the number of months of schooling which the several individuals attending received. And that henceforward a similar statement be prepared and laid before the legislature every year for that year.

Accomac . . .	$400	216	months schooling.
Albemarle . . .	500	234	"
Amelia . . .	250	183	"
Amherst . . .	400	210	"
Augusta . . .	800	461	"

&c.

TO ———.*

MONTICELLO, February 20, 1825.

DEAR SIR,—I thank you for the copy of your Cherokee grammar, which I have gone over with attention and satisfaction. We generally learn languages for the benefit of reading the books written in them. But here our reward must be the addition made to the philosophy of language. In this point of view your

* Address lost.

analysis of the Cherokee adds valuable matter for reflection, and strengthens our desire to see more of these languages as scientifically elucidated. Their grammatical devices for the modification of their words by a syllable prefixed to, or inserted in the middle, or added to its end, and by other combinations so different from ours, prove that if man came from one stock, his languages did not. A late grammarian has said that all words were originally monosyllables. The Indian languages disprove this. I should conjecture that the Cherokees, for example, have formed their language not by single words, but by phrases. I have known some children learn to speak, not by a word at a time, but by whole phrases. Thus the Cherokee has no name for father in the abstract, but only as combined with some one of his relations. A complex idea being a fasciculus of simple ideas bundled together, it is rare that different languages make up their bundles alike, and hence the difficulty of translating from one language to another. European nations have so long had intercourse with one another, as to have approximated their complex expressions much towards one another. But I believe we shall find it impossible to translate our language into any of the Indian, or any of theirs into ours. I hope you will pursue your undertaking, and that others will follow your example with other of their languages. It will open a wide field for reflection on the grammatical organization of languages, their structure and character. I am persuaded that among the tribes on our two continents a great number of languages, radically different, will be found. It will be curious to consider how so many so radically different will be found. It will be curious to consider how so many so radically different have been preserved by such small tribes in coterminous settlements of moderate extent. I had once collected about thirty vocabularies formed of the same English words, expressive of such simple objects only as must be present and familiar to every one under these circumstances. They were unfortunately lost. But I remember that on a trial to arrange them into families or dialects, I found in one instance that about half a

dozen might be so classed, in another perhaps three or four. But I am sure that a third at least, if not more, were perfectly insulation from each other. Yet this is the only index by which we can trace their filiation.

I had received your observations on the changes proposed in Harvard College, without knowing from whom they came to me, and had been so much pleased with them as to have put them by for preservation. These observations, with the report and documents to which they relate, are a treasure of information to us; they give to our infant institution the experience of your ancient and eminent establishment. I hope that we shall be like cordial colleagues in office, acting in harmony and affection for the same object. Our European professors, five in number, are at length arrived, and excite strong presumptions that they have been judiciously selected. We have announced our opening on the 7th of the ensuing month of March. With sincere wishes for the prosperity of yours, as well as ours, I pray you to accept assurances of my high esteem and respect.

TO THOMAS JEFFERSON SMITH.

MONTICELLO, February 21, 1825.

This letter will, to you, be as one from the dead. The writer will be in the grave before you can weigh its counsels. Your affectionate and excellent father has requested that I would address to you something which might possibly have a favorable influence on the course of life you have to run, and I too, as a namesake, feel an interest in that course. Few words will be necessary, with good dispositions on your part. Adore God. Reverence and cherish your parents. Love your neighbor as yourself, and your country more than yourself. Be just. Be true. Murmur not at the ways of Providence. So shall the life into which you have entered, be the portal to one of eternal and ineffable bliss. And if to the dead it is permitted to care for the

things of this world, every action of your life will be under my regard. Farewell.

The portrait of a good man by the most sublime of poets, for your imitation.

Lord, who's the happy man that may to thy blest courts repair;
Not stranger-like to visit them, but to inhabit there?
'Tis he whose every thought and deed by rules of virtue moves;
Whose generous tongue disdains to speak the thing his heart disproves.
Who never did a slander forge, his neighbor's fame to wound;
Nor hearken to a false report, by malice whispered round.
Who vice in all its pomp and power, can treat with just neglect;
And piety, though clothed in rage, religiously respect.
Who to his plighted vows and trust has ever firmly stood;
And though he promise to his loss, he makes his promise good.
Whose soul in usury disdains his treasure to employ;
Whom no rewards can ever bribe the guiltless to destroy.
The man, who, by this steady course, has happiness insur'd,
When earth's foundations shake, shall stand, by Providence secur'd.

A Decalogue of Canons for observation in practical life.

1. Never put off till to-morrow what you can do to-day.
2. Never trouble another for what you can do yourself.
3. Never spend your money before you have it.
4. Never buy what you do not want, because it is cheap; it will be dear to you.
5. Pride costs us more than hunger, thirst and cold.
6. We never repent of having eaten too little.
7. Nothing is troublesome that we do willingly.
8. How much pain have cost us the evils which have never happened.
9. Take things always by their smooth handle
19. When angry, count ten, before you speak; if very angry, an hundred.

TO EDWARD LIVINGSTON, ESQ.

MONTICELLO, March 25, 1825.

DEAR SIR,—I know how apt we are to consider those whom we knew long ago, and have not since seen, to be exactly still

what they were when we knew them; and to have been stationary in body and mind as they have been in our recollections. Have you not been under that illusion with respect to myself? When I had the pleasure of being a fellow-laborer with you in the public service, age had ripened, but not yet impaired whatever of mind I had at any time possessed. But five-and-twenty chilling winters have since rolled over my head, and whitened every hair of it. Worn down by time in bodily strength, unable to walk even into my garden without too much fatigue, I cannot doubt that the mind has also suffered its portion of decay. If reason and experience had not taught me this law of nature, my own consciousness is a sufficient monitor, and warns me to keep in mind the golden precept of Horace,

> "Solve senescentem, maturé sanus, equum, ne
> Peccet ad extremum ridendus."

I am not equal, dear Sir, to the task you have proposed to me. To examine a code of laws newly reduced to system and text, to weigh their bearings on each other in all their parts, their harmony with reason and nature, and their adaptation to the habits and sentiments of those for whom they are prepared, and whom, in this case, I do not know, is a task far above what I am now, or perhaps ever was. I have attended to so much of your work as has been heretofore laid before the public, and have looked, with some attention also, into what you have now sent me. It will certainly arrange your name with the sages of antiquity. Time and changes in the condition and constitution of society may require occasional and corresponding modifications. One single object, if your provision attains it, will entitle you to the endless gratitude of society; that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our general government, but what I call our foreign department. They are practising on the constitution by inferences, analogies, and sophisms, as they would on an ordinary law. They do not seem aware that it is not even a *constitution*, formed by a single au-

thority, and subject to a single superintendence and control; but that it is a compact of many independent powers, every single one of which claims an equal right to understand it, and to require its observance. However strong the cord of compact may be, there is a point of tension at which it will break. A few such doctrinal decisions, as barefaced as that of the Cohens, happening to bear immediately on two or three of the large States, may induce them to join in arresting the march of government, and in arousing the co-States to pay some attention to what is passing, to bring back the compact to its original principles, or to modify it legitimately by the express consent of the parties themselves, and not by the usurpation of their created agents. They imagine they can lead us into a consolidate government, while their road leads directly to its dissolution. This member of the government was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is, *ad libitum*, by sapping and mining, slily, and without alarm, the foundations of the constitution, can do what open force would not dare to attempt. I have not observed whether, in your code, you have provided against caucussing judicial decisions, and for requiring judges to give their opinions *seriatim*, every man for himself, with his reasons and authorities at large, to be entered of record in his own words. A regard for reputation, and the judgment of the world, may sometimes be felt where conscience is dormant, or indolence inexcitable. Experience has proved that impeachment in our forms is completely inefficient.

I am pleased with the style and diction of your laws Plain and intelligible as the ordinary writings of common sense, I hope it will produce imitation. Of all the countries on earth of which I have any knowledge, the style of the Acts of the British parliament is the most barbarous, uncouth, and unintelligible. It can be understood by those alone who are in the daily habit of studying such tautologous, involved and parenthetical jargon. Where they found their model, I know not. Neither ancient

nor modern codes, nor even their own early statutes, furnish any such example. And, like faithful apes, we copy it faithfully.

In declining the undertaking you so flatteringly propose to me, I trust you will see but an approvable caution for the age of four score and two, to avoid exposing itself before the public. The misfortune of a weakened mind is an insensibility of its weakness. Seven years ago, indeed, I embarked in an enterprise, the establishment of an University, which placed and keeps me still under the public eye. The call was imperious, the necessity most urgent, and the hazard of titubation less, by hose seven years, than it now is. The institution is at length happily advanced to completion, and has commenced under auspices as favorable as I could expect. I hope it will prove a blessing to my own State, and not unuseful perhaps to some others. At all hazards, and secured by the aid of my able coadjutors, I shall continue, while I am in being, to contribute to it whatever my weakened and weakening powers can. But assuredly it is the last object for which I shall obtrude myself on the public observation.

Wishing anxiously that your great work may obtain complete success, and become an example for the imitation and improvement of other States, I pray you to be assured of my unabated friendship and respect.

TO JUDGE AUGUSTUS B. WOODWARD.

MONTICELLO, April 3, 1825.

DEAR SIR,—Your favor of March 25th has been duly received. The fact is unquestionable, that the Bill of Rights, and the Constitution of Virginia, were drawn originally by George Mason, one of our really great men, and of the first order of greatness. The history of the Preamble to the latter is this: I was then at Philadelphia with Congress; and knowing that the Convention of Virginia was engaged in forming a plan of government, I turned my mind to the same subject, and drew a sketch or out-

line of a Constitution, with a preamble, which I sent to Mr. Pendleton, president of the convention, on the mere possibility that it might suggest something worth incorporation into that before the convention. He informed me afterwards by letter, that he received it on the day on which the Committee of the Whole had reported to the House the plan they had agreed to; that that had been so long in hand, so disputed inch by inch, and the subject of so much altercation and debate; that they were worried with the contentions it had produced, and could not, from mere lassitude, have been induced to open the instrument again; but that, being pleased with the Preamble to mine, they adopted it in the House, by way of amendment to the Report of the Committee; and thus my Preamble became tacked to the work of George Mason. The Constitution, with the Preamble, was passed on the 29th of June, and the Committee of Congress had only the day before that reported to that body the draught of the Declaration of Independence. The fact is, that that Preamble was prior in composition to the Declaration; and both having the same object, of justifying our separation from Great Britain, they used necessarily the same materials of justification, and hence their similitude.

Withdrawn by age from all other public services and attentions to public things, I am closing the last scenes of life by fashioning and fostering an establishment for the instruction of those who are to come after us. I hope its influence on their virtue, freedom, fame and happiness, will be salutary and permanent. The form and distributions of its structure are original and unique, the architecture chaste and classical, and the whole well worthy of attracting the curiosity of a visit. Should it so prove to yourself at any time, it will be a great gratification to me to see you once more at Monticello; and I pray you to be assured of my continued and high respect and esteem.

TO HENRY LEE, ESQ.

MONTICELLO, May 8, 1825.

DEAR SIR,— * * * * * * * * *

That George Mason was author of the bill of rights, and of the constitution founded on it, the evidence of the day established fully in my mind. Of the paper you mention, purporting to be instructions to the Virginia delegation in Congress, I have no recollection. If it were anything more than a project of some private hand, that is to say, had any such instructions been ever given by the convention, they would appear in the journals, which we possess entire. But with respect to our rights, and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American whigs thought alike on these subjects. When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c. The historical documents which you mention as in your possession, ought all to be found, and I am persuaded you will find, to be corroborative of the facts and principles advanced in that Declaration. Be pleased to accept assurances of my great esteem and respect

TO MISS WRIGHT.

MONTICELLO, August 7, 1825.

I have duly received, dear Madam, your letter of July 26th, and learn from it with much regret, that Miss Wright, your sister, is so much indisposed as to be obliged to visit our medicinal springs. I wish she may be fortunate in finding those which may be adapted to her case. We have taken too little pains to ascertain the properties of our different mineral waters, the cases in which they are respectively remedial, the proper process in their use, and other circumstances necessary to give us their full value. My own health is very low, not having been able to leave the house for three months, and suffering much at times. In this state of body and mind, your letter could not have found a more inefficient counsellor, one scarcely able to think or to write. At the age of eighty-two, with one foot in the grave, and the other uplifted to follow it, I do not permit myself to take part in any new enterprises, even for bettering the condition of man, not even in the great one which is the subject of your letter, and which has been through life that of my greatest anxieties. The march of events has not been such as to render its completion practicable within the limits of time allotted to me; and I leave its accomplishment as the work of another generation. And I am cheered when I see that on which it is devolved, taking it up with so much good will, and such minds engaged in its encouragement. The abolition of the evil is not impossible; it ought never therefore to be despaired of. Every plan should be adopted, every experiment tried, which may do something towards the ultimate object. That which you propose is well worthy of trial. It has succeeded with certain portions of our white brethren, under the care of a Rapp and an Owen; and why may it not succeed with the man of color? An opinion is hazarded by some, but proved by none, that moral urgencies are not sufficient to induce him to labor; that nothing can do this but physical coercion. But this is a problem which the present age alone is prepared to solve by experiment. It

would be a solecism to suppose a race of animals created, without sufficient foresight and energy to preserve their own existence. It is disproved, too, by the fact that they exist, and have existed through all the ages of history. We are not sufficiently acquainted with all the nations of Africa, to say that there may not be some in which habits of industry are established, and the arts practised which are necessary to render life comfortable. The experiment now in progress in St. Domingo, those of Sierra Leone and Cape Mesurado, are but beginning. Your proposition has its aspects of promise also; and should it not answer fully to calculations in figures, it may yet, in its developments, lead to happy results. These, however, I must leave to another generation. The enterprise of a different, but yet important character, in which I have embarked too late in life, I find more than sufficient to occupy the enfeebled energies remaining to me, and that to divert them to other objects, would be a desertion of these. You are young, dear Madam, and have powers of mind which may do much in exciting others in this arduous task. I am confident they will be so exerted, and I pray to heaven for their success, and that you may be rewarded with the blessings which such efforts merit.

TO JOHN VAUGHAN, ESQ.

MONTICELLO, September 16, 1825.

DEAR SIR,—I am not able to give you any particular account of the paper handed you by Mr. Lee, as being either the original or a copy of the Declaration of Independence, sent by myself to his grandfather. The draught, when completed by myself, with a few verbal amendments by Dr. Franklin and Mr. Adams, two members of the committee, in their own hand-writing, is now in my own possession, and a fair copy of this was reported to the committee, passed by them without amendment, and then reported to Congress. This letter should be among the records of the old Congress; and whether this or the one from which it

was copied and now in my hands, is to be called the original, is a question of definition. To that in my hands, if worth preserving, my relations with our University gives irresistible claims. Whenever, in the course of the composition, a copy became overcharged, and difficult to be read with amendments, I copied it fair, and when that also was crowded with other amendments, another fair copy was made, &c. These rough draughts I sent to distant friends who were anxious to know what was passing. But how many, and to whom, I do not recollect. One sent to Mazzei was given by him to the Countess de Tessie (aunt of Madame de Lafayette) *as the original*, and is probably now in the hands of her family. Whether the paper sent to R. H. Lee was one of these, or whether, after the passage of the instrument, I made a copy for him, with the amendments of Congress, may, I think, be known from the face of the paper. The documents Mr. Lee has given you must be of great value, and until all these private hoards are made public, the real history of the revolution will not be known.

TO DR. JAMES MEASE.

MONTICELLO, September 26, 1825.

DEAR SIR,—It is not for me to estimate the importance of the circumstances concerning which your letter of the 8th makes inquiry. They prove, even in their minuteness, the sacred attachments of our fellow citizens to the event of which the paper of July 4th, 1776, was but the declaration, the genuine effusion of the soul of our country at that time. Small things may, perhaps, like the relics of saints, help to nourish our devotion to this holy bond of our Union, and keep it longer alive and warm in our affections. This effect may give importance to circumstances, however small. At the time of writing that instrument, I lodged in the house of a Mr. Graaf, a new brick house, three stories high, of which I rented the second floor, consisting of a parlor and bed-room, ready furnished. In that parlor

I wrote habitually, and in it wrote this paper, particularly. So far I state from written proofs in my possession. The proprietor, Graaf, was a young man, son of a German, and then newly married. I think he was a bricklayer, and that his house was on the south side of Market street, probably between Seventh and Eighth streets, and if not the only house on that part of the street, I am sure there were few others near it. I have some idea that it was a corner house, but no other recollections throwing light on the question, or worth communication. I am ill, therefore only add assurance of my great respect and esteem.

TO ———.

MONTICELLO, October 25, 1825.

DEAR SIR,—I know not whether the professors to whom ancient and modern history are assigned in the University, have yet decided on the course of historical reading which they will recommend to their schools. If they have, I wish this letter to be considered as not written, as their course, the result of mature consideration, will be preferable to anything I could recommend. Under this uncertainty, and the rather as you are of neither of these schools, I may hazard some general ideas, to be corrected by what they may recommend hereafter.

In all cases I prefer original authors to compilers. For a course of ancient history, therefore, of Greece and Rome especially, I should advise the usual suite of Herodotus, Thucydides, Xenophon, Diodorus, Livy, Cæsar, Suetonius, Tacitus, and Dion, in their originals if understood, and in translations if not. For its continuation to the final destruction of the empire we must then be content with Gibbons, a compiler, and with Segur, for a judicious recapitulation of the whole. After this general course, there are a number of particular histories filling up the chasms, which may be read at leisure in the progress of life. Such is Arrian, 2 Curtius, Polybius, Sallust, Plutarch, Dionysius, Halicarnassus, Micasi, &c. The ancient universal history should be

on our shelves as a book of general reference, the most learned and most faithful perhaps that ever was written. Its style is very plain but perspicuous.

In modern history, there are but two nations with whose course it is interesting to us to be intimately acquainted, to wit: France and England. For the former, Millot's General History of France may be sufficient to the period when 1 Davila commences. He should be followed by Perefixe, Sully, Voltaire's Louis XIV. and XV., la Cretelles XVIII.me siècle, Marmontel's Regence, Foulongion's French Revolution, and Madame de Stael's, making up by a succession of particular history, the general one which they want.

Of England there is as yet no general history so faithful as Rapin's. He may be followed by Ludlow, Fox, Belsham, Hume and Brodie. Hume's, were it faithful, would be the finest piece of history which has ever been written by man. Its unfortunate bias may be partly ascribed to the accident of his having written backwards. His maiden work was the History of the Stuarts. It was a first essay to try his strength before the public. And whether as a Scotchman he had really a partiality for that family, or thought that the lower their degradation, the more fame he should acquire by raising them up to some favor, the object of his work was an apology for them. He spared nothing, therefore, to wash them white, and to palliate their misgovernment. For this purpose he suppressed truths, advanced falsehoods, forged authorities, and falsified records. All this is proved on him unanswerably by Brodie. But so bewitching was his style and manner, that his readers were unwilling to doubt anything, swallowed everything, and all England became tories by the magic of his art. His pen revolutionized the public sentiment of that country more completely than the standing armies could ever have done, which were so much dreaded and deprecated by the patriots of that day.

Having succeeded so eminently in the acquisition of fortune and fame by this work, he undertook the history of the two preceding dynasties, the Plantagenets and Tudors. It was all-im-

portant in this second work, to maintain the thesis of the first, that "it was the people who encroached on the sovereign, not the sovereign who usurped on the rights of the people." And, again, chapter 53d, "the grievances under which the English labored [to wit: whipping, pillorying, cropping, imprisoning, fining, &c.,] when considered in themselves, without regard to the constitution, scarcely deserve the name, nor were they either burthensome on the people's properties, or anywise shocking to the natural humanity of mankind." During the constant wars, civil and foreign, which prevailed while these two families occupied the throne, it was not difficult to find abundant instances of practices the most despotic, as are wont to occur in times of violence. To make this second epoch support the third, therefore, required but a little garbling of authorities. And it then remained, by a third work, to make of the whole a complete history of England, on the principles on which he had advocated that of the Stuarts. This would comprehend the Saxon and Norman conquests, the former exhibiting the genuine form and political principles of the people constituting the nation, and founded in the rights of man; the latter built on conquest and physical force, not at all affecting moral rights, nor even assented to by the free will of the vanquished. The battle of Hastings. indeed, was lost, but the natural rights of the nation were not staked on the event of a single battle. Their will to recover the Saxon constitution continued unabated, and was at the bottom of all the unsuccessful insurrections which succeeded in subsequent times. The victors and vanquished continued in a state of living hostility, and the nation may still say, after losing the battle of Hastings,

> "What though the field is lost?
> All is not lost; the unconquerable will
> And study of revenge, immortal hate
> And courage never to submit or yield."

The government of a nation may be usurped by the forcible intrusion of an individual into the throne. But to conquer its will,

so as to rest the right on that, the only legitimate basis, requires long acquiescence and cessation of all opposition. The whig historians of England, therefore, have always gone back to the Saxon period for the true principles of their constitution, while the tories and Hume, their Coryphæus, date it from the Norman conquest, and hence conclude that the continual claim by the nation of the good old Saxon laws, and the struggles to recover them, were "encroachments of the people on the crown, and not usurpations of the crown on the people." Hume, with Brodie, should be the last histories of England to be read. If first read, Hume makes an English tory, from whence it is an easy step to American toryism. But there is a history, by Baxter, in which, abridging somewhat by leaving out some entire incidents as less interesting now than when Hume wrote, he has given the rest in the identical words of Hume, except that when he comes to a fact falsified, he states it truly, and when to a suppression of truth, he supplies it, never otherwise changing a word. It is, in fact, an editic expurgation of Hume. Those who shrink from the volume of Rapin, may read this first, and from this lay a first foundation in a basis of truth.

For modern continental history, a very general idea may be first aimed at, leaving for future and occasional reading the particular histories of such countries as may excite curiosity at the time. This may be obtained from Mollet's Northern Antiquities, Vol. Esprit et Mœurs des Nations, Millot's Modern History, Russel's Modern Europe, Hallam's Middle Ages, and Robertson's Charles V.

You ask what book I would recommend to be first read in law. I am very glad to find from a conversation with Mr. Gilmer, that he considers Coke Littleton, as methodized by Thomas, as unquestionably the best elementary work, and the one which will be the text book of his school. It is now as agreeable reading as Blackstone, and much more profound. I pray you to consider this hasty and imperfect sketch as intended merely to prove my wish to be useful to you, and that with it you will accept the assurance of my esteem and respect.

TO THE HONORABLE J. EVELYN DENISON, M. P.

MONTICELLO, November 9. 1825

DEAR SIR,—Your favor of July 30th was duly received, and we have now at hand the books you have been so kind as to send to our University. They are truly acceptable in themselves, for we might have been years not knowing of their existence; but give the greater pleasure as evidence of the interest you have taken in our infant institution. It is going on as successfully as we could have expected; and I have no reason to regret the measure taken of procuring Professors from abroad where science is so much ahead of us. You witnessed some of the puny squibs of which I was the butt on that account. They were probably from disappointed candidates, whose unworthiness had occasioned their applications to be passed over. The measure has been generally approved in the South and West; and by all liberal minds in the North. It has been peculiarly fortunate, too, that the Professors brought from abroad were as happy selections as could have been hoped, as well for their qualifications in science as correctness and amiableness of character. I think the example will be followed, and that it cannot fail to be one of the efficacious means of promoting that cordial good will, which it is so much the interest of both nations to cherish. These teachers can never utter an unfriendly sentiment towards their native country; and those into whom their instructions will be infused, are not of ordinary significance only: they are exactly the persons who are to succeed to the government of our country, and to rule its future enmities, its friendships and fortunes. As it is our interest to receive instruction through this channel, so I think it is yours to furnish it; for these two nations holding cordially together, have nothing to fear from the united world. They will be the models for regenerating the condition of man, the sources from which representative government is to flow over the whole earth.

I learn from you with great pleasure, that a taste is reviving in England for the recovery of the Anglo-Saxon dialect of our

language; for a mere dialect it is, as much as those of Piers Plowman, Gower, Douglas, Chaucer, Spenser, Shakspeare, Milton, for even much of Milton is already antiquated. The Anglo-Saxon is only the earliest we possess of the many shades of mutation by which the language has tapered down to its modern form. Vocabularies we need for each of these stages from Somner to Bailey, but not grammars for each or any of them. The grammar has changed so little, in the descent from the earliest, to the present form, that a little observation suffices to understand its variations. We are greatly indebted to the worthies who have preserved the Anglo-Saxon form, from Doctor Hickes down to Mr. Bosworth. Had they not given to the public what we possess through the press, that dialect would by this time have been irrecoverably lost. I think it, however, a misfortune that they have endeavored to give it too much of a learned form, to mount it on all the scaffolding of the Greek and Latin, to load it with their genders, numbers, cases, declensions, conjugations, &c. Strip it of these embarrassments, vest it in the Roman type which we have adopted instead of our English black letter, reform its uncouth orthography, and assimilate its pronunciation, as much as may be, to the present English, just as we do in reading Piers Plowman or Chaucer, and with the cotemporary vocabulary for the few lost words, we understand it as we do them. For example, the Anglo-Saxon text of the Lord's prayer, as given us 6th Matthew, ix., is spelt and written thus, in the equivalent Roman type: "Faeder ure thec the eart in heafenum, si thin nama ychalgod. To becume thin rice. Gerrurthe thin willa on eartham, swa swa on heofenum. Ume doeghw amli can hlaf syle us to dœg. And forgyfus ure gyltas, swa swa we forgifath urum gyltendum. And ne ge-lœdde thu us on costnunge, ae alys us of yfele." I should spell and pronounce thus: "Father our, thou tha art in heavenum, si thine name y-hallowed. Come thin ric-y-wurth thine will on eartham, so so on heavenum: ourn daynhamlican loaf sell us to-day, and forgive us our guilts so so we forgiveth ourum guiltendum. And no y-lead thou us on costnunge, ac a-lease us of evil." And here it

is to be observed by-the-bye, that there is but the single word "temptation" in our present version of this prayer that is not Anglo-Saxon; for the word "trespasses" taken from the French, (αφεσεις in the original) might as well have been translated by the Anglo-Saxon "guilts."

The learned apparatus in which Dr. Hickes and his successors have muffled our Anglo-Saxon, is what has frightened us from encountering it. The simplification I propose may, on the contrary, make it a regular part of our common English education.

So little reading and writing was there among our Anglo-Saxon ancestors of that day, that they had no fixed orthography. To produce a given sound, every one jumbled the letters together, according to his unlettered notion of their power, and all jumbled them differently, just as would be done at this day, were a dozen peasants, who have learnt the alphabet, but have never read, desired to write the Lord's prayer. Hence the varied modes of spelling by which the Anglo-Saxons meant to express the same sound. The word *many*, for example, was spelt in twenty different ways; yet we cannot suppose they were twenty different words, or that they had twenty different ways of pronouncing the same word. The Anglo-Saxon orthography, then, is not an exact representation of the sounds meant to be conveyed. We must drop in pronunciation the superfluous consonants, and give to the remaining letters their present English sound; because, not knowing the true one, the present enunciation is as likely to be right as any other, and indeed more so, and facilitates the acquisition of the language.

It is much to be wished that the publication of the present county dialects of England should go on. It will restore to us our language in all its shades of variation. It will incorporate into the present one all the riches of our ancient dialects; and what a store this will be, may be seen by running the eye over the county glossaries, and observing the words we have lost by abandonment and disuse, which in sound and sense are inferior to nothing we have retained. When these local vocabularies are published and digested together into a single one, it is probable

we shall find that there is not a word in Shakspeare which is not now in use in some of the counties in England, from whence we may obtain its true sense. And what an exchange will their recovery be for the volumes of idle commentaries and conjectures with which that divine poet has been masked and metamorphosed. We shall find in him new sublimities which we had never tasted before, and find beauties in our ancient poets which are lost to us now. It is not that I am merely an enthusiast for Palæology. I set equal value on the beautiful engraftments we have borrowed from Greece and Rome, and I am equally a friend to the encouragement of a judicious neology; a language cannot be too rich. The more copious, the more susceptible of embellishment it will become. There are several things wanting to promote this improvement. To reprint the Saxon books in modern type; reform their orthography; publish in the same way the treasures still existing in manuscript. And, more than all things, we want a dictionary on the plan of Stephens or Scapula, in which the Saxon root, placed alphabetically, shall be followed by all its cognate modifications of nouns, verbs, &c., whether Anglo-Saxon, or found in the dialects of subsequent ages. We want, too, an elaborate history of the English language. In time our country may be able to co-operate with you in these labors, of common advantage, but as yet it is too much a blank, calling for other and more pressing attentions. We have too much to do in the improvements of which it is susceptible, and which are deemed more immediately useful. Literature is not yet a distinct profession with us. Now and then a strong mind arises, and at its intervals of leisure from business, emits a flash of light. But the first object of young societies is bread and covering; science is but secondary and subsequent.

I owe apology for this long letter. It must be found in the circumstance of its subject having made an interesting part in the tenor of your letter, and in my attachment to it. It is a hobby which too often runs away with me where I meant not to give up the rein. Our youth seem disposed to mount it with me, and to begin their course where mine is ending.

Our family recollects with pleasure the visit with which you favored us; and join me in assuring you of our friendly and respectful recollections, and of the gratification it will ever be to us to hear of your health and welfare.

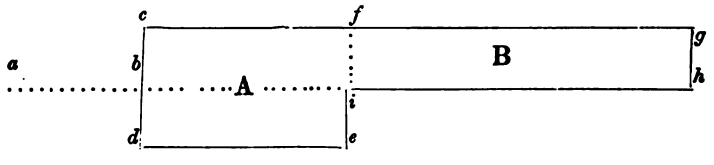
TO MR. LEWIS M. WISS.

MONTICELLO, November 27, 1825.

SIR,—Disqualified by age and ill health from undertaking minute investigations, I find it will be easier for me to state to you my proposition of a lock-dock, for laying up vessels, high and dry, than to investigate yours. You will then judge for yourself whether any part of mine has anticipated any part of yours.

While I was at Washington, in the administration of the government, Congress was much divided in opinion on the subject of a navy, a part of them wishing to go extensively into preparation of a fleet, another part opposed to it, on the objection that the repairs and preservation of a ship, even idle in harbor, in ten or twelve years, amount to her original cost. It has been estimated in England, that if they could be sure of peace a dozen years it would be cheaper for them to burn their fleet, and build a new one when wanting, than to keep the old one in repair during that term. I learnt that, in Venice, there were then ships, lying on their original stocks, ready for launching at any moment, which had been so for eighty years, and were still in a state of perfect preservation; and that this was effected by disposing of them in docks pumped dry, and kept so by constant pumping. It occurred to me that this expense of constant pumping might be saved by combining a lock with the common wet dock, wherever there was a running stream of water, the bed of which, within a reasonable distance, was of a sufficient height above the high-water level of the harbor. This was the case at the navy-yard, on the eastern branch at Washington, the high-water line of which was seventy-eight feet lower than the ground

on which the Capitol stands, and to which it was found that the water of the Tyber creek could be brought for watering the city. My proposition then was as follows: Let *a b* be the high-water level of the harbor, and the vessel to be laid up draw eighteen feet water. Make a chamber A twenty feet deep below high water and twenty feet high above it, as *c d e f*, and at the upper end make another chamber, B,



the bottom of which should be in the high-water level, and the tops twenty feet above that. *g h* is the water of the Tyber. When the vessel is to be introduced, open the gate at *c b a*. The tide water rises in the chamber A to the level *b i*, and floats the vessel in with it. Shut the gate *c b d* and open that of *f i*. The water of the Tyber fills both chambers to the level *c f g*, and the vessel floats into the chamber B; then opening both gates *c b d* and *f i*, the water flows out, and the vessel settles down on the stays previously prepared at the bottom *i h* to receive her. The gate at *g h* must of course be closed, and the water of the feeding stream be diverted elsewhere. The chamber B is to have a roof over it of the construction of that over the meal market at Paris, except that that is hemispherical, this semi-cylindrical. For this construction see Delenne's architecture, whose invention it was. The diameter of the dome of the meal market is considerably over one hundred feet.

It will be seen at once, that instead of making the chamber B of sufficent width and length for a single vessel only, it may be widened to whatever span the semi-circular framing of the roof can be trusted, and to whatever length you please, so as to admit two or more vessels in breadth, and as many in length as the localities render expedient.

I had a model of this lock-dock made and exhibited in the

President's house, during the session of Congress at which it was proposed. But the advocates for a navy did not fancy it, and those opposed to the building of ships altogether, were equally indisposed to provide protection for them. Ridicule was also resorted to, the ordinary substitute for reason, when that fails, and the proposition was past over. I then thought and still think the measure wise, to have a proper number of vessels always ready to be launched, with nothing unfinished about them, except the planting their masts, which must of necessity be omitted, to be brought under a roof. Having no view in this proposition but to combine for the public a provision for defence, with economy in its preservation, I have thought no more of it since. And if any of my ideas anticipated yours, you are welcome to appropriate them to yourself, without objection on my part, and, with this assurance, I pray you to accept that of my best wishes and respects.

TO ———*

MONTICELLO, December 18, 1825.

DEAR SIR,—Your letters are always welcome, the last more than all others, its subject being one of the dearest to my heart. To my grand-daughter your commendations cannot fail to be an object of high ambition, as a certain passport to the good opinion of the world. If she does not cultivate them with assiduity and affection, she will illy fulfil my parting injunctions. I trust she will merit a continuance of your favor, and find in her new situation the general esteem she so happily possessed in the society she left. You tell me she repeated to you an expression of mine, that I should be willing to go again over the scenes of past life. I should not be unwilling, without, however, wishing it; and why not? I have enjoyed a greater share of health than falls to the lot of most men; my spirits have never failed me except under those paroxysms of grief which you, as well as myself, have experienced in every form, and with good health and good spirits, the pleasures surely outweigh the pains of life.

* Address lost.

Why not, then, taste them again, fat and lean together? Were I indeed permitted to cut off from the train the last seven years, the balance would be much in favor of treading the ground over again. Being at that period in the neighborhood of our warm springs, and well in health, I wished to be better, and tried them. They destroyed, in a great degree, my internal organism, and I have never since had a moment of perfect health. I have now been eight months confined almost constantly to the house, with now and then intervals of a few days on which I could get on horseback.

I presume you have received a copy of the life of Richard H. Lee, from his grandson of the same name, author of the work. You and I know that he merited much during the revolution. Eloquent, bold, and ever watchful at his post, of which his biographer omits no proof. I am not certain whether the friends of George Mason, of Patrick Henry, yourself, and even of General Washington, may not reclaim some feathers of the plumage given him, noble as was his proper and original coat. But on this subject I will anticipate your own judgment.

I learn with sincere pleasure that you have experienced lately a great renovation of your health. That it may continue to the ultimate period of your wishes is the sincere prayer of *usque ad eras amicissimi tui.*

TO JAMES MADISON.

MONTICELLO, December 24, 1825.

DEAR SIR,—I have for some time considered the question of internal improvement as desperate. The torrent of general opinion sets so strongly in favor of it as to be irresistible. And I suppose that even the opposition in Congress will hereafter be feeble and formal, unless something can be done which may give a gleam of encouragement to our friends, or alarm their opponents in their fancied security. I learn from Richmond that those who think with us there are in a state of perfect dismay,

not knowing what to do or what to propose. Mr. Gordon, our representative, particularly, has written to me in very desponding terms, not disposed to yield indeed, but pressing for opinions and advice on the subject. I have no doubt you are pressed in the same way, and I hope you have devised and recommended something to them. If you have, stop here and read no more, but consider all that follows as *non-avenue*. I shall be better satisfied to adopt implicitly anything which you may have advised, than anything occurring to myself. For I have long ceased to think on subjects of this kind, and pay little attention to public proceedings. But if you have done nothing in it, then I risk for your consideration what has occurred to me, and is expressed in the enclosed paper.* Bailey's propositions, which came to hand since I wrote the paper, and which I suppose to have come from the President himself, show a little hesitation in the purposes of his party; and in that state of mind, a bolt shot critically may decide the contest by its effect on the less bold. The olive branch held out to them at this moment may be accepted, and the constitution thus saved at a moderate sacrifice. I say nothing of the paper, which will explain itself. The following heads of consideration, or some of them, may weigh in its favor:

It may intimidate the wavering. It may break the western coalition, by offering the same thing in a different form. It will be viewed with favor in contrast with the Georgia opposition and fear of strengthening that. It will be an example of a temperate mode of opposition in future and similar cases. It will delay the measure a year at least. It will give us the chance of better times and of intervening accidents; and in no way place us in a worse than our present situation. I do not dwell on these topics; your mind will develop them.

The first question is, whether you approve of doing anything of the kind. If not, send it back to me, and it shall be suppressed; for I would not hazard so important a measure against

* See under head of "Miscellaneous Papers," the paper here alluded to, entitled, "The solemn Declaration and Protest of the Commonwealth of Virginia on the principles of the Constitution of the United States of America, and on the violations of them."

your opinion, nor even without its support. If you think it may be a canvass on which to put something good, make what alterations you please, and I will forward it to Gordon, under the most sacred injunctions that it shall be so used as that not a shadow of suspicion shall fall on you or myself, that it has come from either of us. But what you do, do as promptly as your convenience will admit, lest it should be anticipated by something worse.

Ever and affectionately yours.

TO WILLIAM B. GILES.

MONTICELLO, December 25, 1825.

DEAR SIR,—Your favor of the 15th was received four days ago. It found me engaged in what I could not lay aside till this day.

Far advanced in my eighty-third year, worn down with infirmities which have confined me almost entirely to the house for seven or eight months past, it afflicts me much to receive appeals to my memory for transactions so far back as that which is the subject of your letter. My memory is indeed become almost a blank, of which no better proof can probably be given you than by my solemn protestation, that I have not the least recollection of your intervention between Mr. John Q. Adams and myself, in what passed on the subject of the embargo. Not the slightest trace of it remains in my mind. Yet I have no doubt of the exactitude of the statement in your letter. And the less, as I recollect the interview with Mr. Adams, to which the previous communications which had passed between him and yourself were probably and naturally the preliminary. That interview I remember well; not indeed in the very words which passed between us, but in their substance, which was of a character too awful, too deeply engraved in my mind, and influencing too materially the course I had to pursue, ever to be forgotten. Mr. Adams called on me pending the embargo, and while endeavors were making to obtain its repeal. He made some apologies for the call, on the ground of our not being then in the habit of confidential communications, but that that which he had

then to make, involved too seriously the interest of our country not to overrule all other considerations with him, and make it his duty to reveal it to myself particularly. I assured him there was no occasion for any apology for his visit; that, on the contrary, his communications would be thankfully received, and would add a confirmation the more to my entire confidence in the rectitude and patriotism of his conduct and principles. He spoke then of the dissatisfaction of the eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it. That there was nothing which might not be attempted, to rid themselves of it. That he had information of the most unquestionable certainty, that certain citizens of the eastern States (I think he named Massachusetts particularly) were in negotiation with agents of the British government, the object of which was an agreement that the New England States should take no further part in the war then going on; that, without formally declaring their separation from the Union of the States, they should withdraw from all aid and obedience to them; that their navigation and commerce should be free from restraint and interruption by the British; that they should be considered and treated by them as neutrals, and as such might conduct themselves towards both parties; and, at the close of the war, be at liberty to rejoin the confederacy. He assured me that there was eminent danger that the convention would take place; that the temptations were such as might debauch many from their fidelity to the Union; and that, to enable its friends to make head against it, the repeal of the embargo was absolutely necessary. I expressed a just sense of the merit of this information, and of the importance of the disclosure to the safety and even the salvation of our country; and however reluctant I was to abandon the measure, (a measure which persevered in a little longer, we had subsequent and satisfactory assurance would have effected its object completely,) from that moment, and influenced by that information, I saw the necessity of abandoning it, and instead of effecting our purpose by this peaceful weapon, we must fight it out, or break the Union. I then

recommended to yield to the necessity of a repeal of the embargo, and to endeavor to supply its place by the best substitute, in which they could procure a general concurrence.

I cannot too often repeat, that this statement is not pretended to be in the very words which passed; that it only gives faithfully the impression remaining on my mind. The very words of a conversation are too transient and fugitive to be so long retained in remembrance. But the substance was too important to be forgotten, not only from the revolution of measures it obliged me to adopt, but also from the renewals of it in my memory on the frequent occasions I have had of doing justice to Mr. Adams, by repeating this proof of his fidelity to his country, and of his superiority over all ordinary considerations when the safety of that was brought into question.

With this best exertion of a waning memory which I can command, accept assurances of my constant and affectionate friendship and respect.

TO WILLIAM B. GILES.

MONTICELLO, December 26, 1825.

DEAR SIR,—I wrote you a letter yesterday, of which you will be free to make what use you please. This will contain matters not intended for the public eye. I see, as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the federal branch, and it is but too evident, that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all func-

tions foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that too the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare," a right to do, not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think, or pretend will be for the general welfare. And what is our resource for the preservation of the constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government, some from corrupt ones, sufficient voting together to out-number the sound parts; and with majorities only of one, two, or three, bold enough to go forward in defiance. Are we then *to stand to our arms*, with the hot-headed Georgian? No. That must be the last resource, not to be thought of until much longer and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once, as a dissolution of it, none can ever be formed which would last one year. We must have patience and longer endurance then with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left, are the dissolution of our Union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation. But in the meanwhile, the States should be watchful to note every material usurpation on their rights; to denounce them as they occur in the most peremptory terms; to protest against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a

temporary yielding to the lesser evil, until their accumulation shall overweigh that of separation. I would go still further, and give to the federal member, by a regular amendment of the constitution, a right to make roads and canals of intercommunication between the States, providing sufficiently against corrupt practices in Congress, (log-rolling, &c.,) by declaring that the federal proportion of each State of the moneys so employed, shall be in works within the State, or elsewhere with its consent, and with a due *salvo* of jurisdiction. This is the course which I think safest and best as yet.

You ask my opinion of the propriety of giving publicity to what is stated in your letter, as having passed between Mr. John Q. Adams and yourself. Of this no one can judge but yourself. It is one of those questions which belong to the forum of feeling. This alone can decide on the degree of confidence implied in the disclosure; whether under no circumstances it was to be communicated to others? It does not seem to be of that character, or at all to wear that aspect. They are historical facts which belong to the present, as well as future times. I doubt whether a single fact, known to the world, will carry as clear conviction to it, of the correctness of our knowledge of the treasonable views of the federal party of that day, as that disclosed by this, the most nefarious and daring attempt to dissever the Union, of which the Hartford convention was a subsequent chapter; and both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who, having nothing in them of the feelings or principles of '76, now look to a single and splendid government of an aristocracy, founded on banking institutions, and moneyed incorporations under the guise and cloak of their favored branches of manufactures, commerce and navigation, riding and ruling over the plundered ploughman and beggared yeomanry. This will be to them a next best blessing to the monarchy of their first aim, and perhaps the surest stepping-stone to it.

I learn with great satisfaction that your school is thriving well,

and that you have at its head a truly classical scholar. He is one of three or four whom I can hear of in the State. We were obliged the last year to receive shameful Latinists into the classical school of the University, such as we will certainly refuse as soon as we can get from better schools a sufficiency of those properly instructed to form a class. We must get rid of this Connecticut Latin, of this barbarous confusion of long and short syllables, which renders doubtful whether we are listening to a reader of Cherokee, Shawnee, Iroquois, or what. Our University has been most fortunate in the five professors procured from England. A finer selection could not have been made. Besides their being of a grade of science which has left little superior behind, the correctness of their moral character, their accommodating dispositions, and zeal for the prosperity of the institution, leave us nothing more to wish. I verily believe that as high a degree of education can now be obtained here, as in the country they left. And a finer set of youths I never saw assembled for instruction. They committed some irregularities at first, until they learned the lawful length of their tether; since which it has never been transgressed in the smallest degree. A great proportion of them are severely devoted to study, and I fear not to say that within twelve or fifteen years from this time, a majority of the rulers of our State will have been educated here. They shall carry hence the correct principles of our day, and you may count assuredly that they will exhibit their country in a degree of sound respectability it has never known, either in our days, or those of our forefathers. I cannot live to see it. My joy must only be that of anticipation. But that you may see it in full fruition, is the probable consequence of the twenty years I am ahead of you in time, and is the sincere prayer of your affectionate and constant friend.

TO CLAIBORNE W. GOOCH.

MONTICELLO, January 9, 1826.

DEAR SIR,—I have duly received your favor of December the 31st, and fear, with you, all the evils which the present lowering aspect of our political horizon so ominously portends. That at some future day, which I hoped to be very distant, the free principles of our government might change with the change of circumstances was to be expected. But I certainly did not expect that they would not over-live the generation which established them. And what I still less expected was, that my favorite western country was to be made the instrument of change. I had ever and fondly cherished the interests of that country, relying on it as a barrier against the degeneracy of public opinion from our original and free principles. But the bait of local interests, artfully prepared for their palate, has decoyed them from their kindred attachments, to alliances alien to them. Yet although I have little hope that the torrent of consolidation can be withstood, I should not be for giving up the ship without efforts to save her. She lived well through the first squall, and may weather the present one. But, dear Sir, I am not the champion called for by our present dangers. "Non tali auxilio, nec defensoribus istis, tempus eget." A waning body, a waning mind, and waning memory, with habitual ill health, warn me to withdraw and relinquish the arena to younger and abler athletes. I am sensible myself, if others are not, that this is my duty. If my distant friends know it not, those around me can inform them that they should not, in friendship, wish to call me into conflicts, exposing only the decays which nature has inscribed among her unalterable laws, and injuring the common cause by a senile and puny defence.

I will, however, say one word on the subject. The South Carolina resolutions, Van Buren's motion, and above all Bayley's propositions, show that other States are coming forward on the subject, and better for any one to take the lead than Virginia, where opposition is considered as common-place, and a mere

matter of form and habit. We shall see what our co-States propose, and before the close of the session we may shape our own course more understandingly.

Accept the assurance of my great esteem and respect.

TO ——— *

MONTICELLO, January 21, 1826.

DEAR SIR,—Your favor of January 15th is received, and I am entirely sensible of the kindness of the motives which suggested the caution it recommended. But I believe what I have done is the only thing I could have done with honor or conscience. Mr. Giles requested me to state a fact which he knew himself, and of which he knew me to be possessed. What use he intended to make of it I knew not, nor had I a right to inquire, or to indicate any suspicion that he would make an unfair one. That was his concern, not mine, and his character was sufficient to sustain the responsibility for it. I knew, too, that if an uncandid use should be made of it, there would be found those who would so prove it. Independent of the terms of intimate friendship in which Mr. Giles and myself have ever lived together, the world's respect entitled him to the justice of my testimony to any truth he might call for; and how that testimony should connect me with whatever he may do or write hereafter, and with his whole career, as you apprehend, is not understood by me. With his personal controversies I have nothing to do. I never took any part in them, or in those of any other person. Add to this, that the statement I have given him on the subject of Mr. Adams, is entirely honorable to him in every sentiment and fact it contains. There is not a word in it which I would wish to recall. It is one which Mr. Adams himself might willingly quote, did he need to quote anything. It was simply that during the continuance of the embargo, Mr. Adams informed me of a combination (without naming any one concerned in it,) which had for its object a sever-

* Address lost.

ance of the Union, for a time at least. That Mr. Adams and myself not being then in the habit of mutual consultation and confidence, I considered it as the stronger proof of the purity of his patriotism, which was able to lift him above all party passions when the safety of his country was endangered. Nor have I kept this honorable fact to myself. During the late canvas, particularly, I had more than one occasion to quote it to persons who were expressing opinions respecting him, of which this was a direct corrective. I have never entertained for Mr. Adams any but sentiments of esteem and respect; and if we have not thought alike on political subjects, I yet never doubted the honesty of his opinions, of which the letter in question, if published, will be an additional proof. Still, I recognize your friendship in suggesting a review of it, and am glad of this, as of every other occasion of repeating to you the assurance of my constant attachment and respect.

TO JAMES MADISON.

MONTICELLO, February 17, 1826

DEAR SIR,— * * * * * * * *

Immediately on seeing the overwhelming vote of the House of Representatives against giving us another dollar, I rode to the University and desired Mr. Brockenbrough to engage in nothing new, to stop everything on hand which could be done without, and to employ all his force and funds in finishing the circular room for the books, and the anatomical theatre. These cannot be done without; and for these and all our debts we have funds enough. But I think it prudent then to clear the decks thoroughly, to see how we shall stand, and what we may accomplish further. In the meantime, there have arrived for us in different ports of the United States, ten boxes of books from Paris, seven from London, and from Germany I know not how many; in all, perhaps, about twenty-five boxes. Not one of these can be opened until the book-room is completely finished,

and all the shelves ready to receive their charge directly from the boxes as they shall be opened. This cannot be till May. I hear nothing definitive of the three thousand dollars duty of which we are asking the remission from Congress. In the selection of our Law Professor, we must be rigorously attentive to his political principles. You will recollect that before the revolution, Coke Littleton was the universal elementary book of law students, and a sounder whig never wrote, nor of profounder learning in the orthodox doctrines of the British constitution, or in what were called English liberties. You remember also that our lawyers were then all whigs. But when his black-letter text, and uncouth but cunning learning got out of fashion, and the honied Mansfieldism of Blackstone became the students' horn-book, from that moment, that profession (the nursery of our Congress) began to slide into toryism, and nearly all the young brood of lawyers now are of that hue. They suppose themselves, indeed, to be whigs, because they no longer know what whigism or republicanism means. It is in our seminary that that vestal flame is to be kept alive; it is thence it is to spread anew over our own and the sister States. If we are true and vigilant in our trust, within a dozen or twenty years a majority of our own legislature will be from one school, and many disciples will have carried its doctrines home with them to their several States, and will have leavened thus the whole mass. New York has taken strong ground in vindication of the constitution; South Carolina had already done the same. Although I was against our leading, I am equally against omitting to follow in the same line, and backing them firmly; and I hope that yourself or some other will mark out the track to be pursued by us.

You will have seen in the newspapers some proceedings in the legislature, which have cost me much mortification. My own debts had become considerable, but not beyond the effect of some lopping of property, which would have been little felt, when our friend **** gave me the *coup de grace*. Ever since that I have been paying twelve hundred dollars a year interest on his debt, which, with my own, was absorbing so much of

my annual income, as that the maintenance of my family was making deep and rapid inroads on my capital, and had already done it. Still, sales at a fair price would leave me competently provided. Had crops and prices for several years been such as to maintain a steady competition of substantial bidders at market, all would have been safe. But the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business, under levies for the support of manufacturers, &c., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the western States by silently breaking up those on the Atlantic, and glutted the land market, while it drew off its bidders. In such a state of things, property has lost its character of being a resource for debts. Highland in Bedford, which, in the days of our plethory, sold readily for from fifty to one hundred dollars the acre, (and such sales were many then,) would not now sell for more than from ten to twenty dollars, or one-quarter or one-fifth of its former price. Reflecting on these things, the practice occurred to me, of selling, on fair valuation, and by way of lottery, often resorted to before the Revolution to effect large sales, and still in constant usage in every State for individual as well as corporation purposes. If it is permitted in my case, my lands here alone, with the mills, &c., will pay every thing, and leave me Monticello and a farm free. If refused, I must sell everything here, perhaps considerably in Bedford, move thither with my family, where I have not even a log hut to put my head into, and whether ground for burial, will depend on the depredations which, under the form of sales, shall have been committed on my property. The question then with me was *ultrum horum?* But why afflict you with these details? Indeed, I cannot tell, unless pains are lessened by communication with a friend. The friendship which has subsisted between us, now half a century, and the harmony of our political principles and pursuits, have been sources of constant happiness to me through that long period. And if I remove beyond the reach of attentions to the University, or beyond the bourne of life itself, as I soon

must, it is a comfort to leave that institution under your care, and an assurance that it will not be wanting. It has also been a great solace to me, to believe that you are engaged in vindicating to posterity the course we have pursued for preserving to them, in all their purity, the blessings of self-government, which we had assisted too in acquiring for them. If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it, one which, protected by truth, can never know reproach, it is that to which our lives have been devoted. To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections.

TO JOHN ADAMS.

MONTICELLO, March 25, 1826.

DEAR SIR,—My grandson, Thomas J. Randolph, the bearer of this letter, being on a visit to Boston, would think he had seen nothing were he to leave without seeing you. Although I truly sympathize with you in the trouble these interruptions give, yet I must ask for him permission to pay to you his personal respects. Like other young people, he wishes to be able in the winter nights of old age, to recount to those around him, what he has heard and learnt of the heroic age preceding his birth, and which of the Argonauts individually he was in time to have seen.

It was the lot of our early years to witness nothing but the dull monotony of a colonial subservience; and of our riper years, to breast the labors and perils of working out of it. Theirs are the Halcyon calms succeeding the storm which our Argosy had so stoutly weathered. Gratify his ambition then, by receiving his best bow; and my solicitude for your health, by enabling him to bring me a favorable account of it. Mine is but indifferent, but not so my friendship and respect for you.

TO JOHN QUINCY ADAMS.

MONTICELLO, March 30, 1826.

DEAR SIR,—I am thankful for the very interesting message and documents of which you have been so kind as to send me a copy, and will state my recollections as to the particular passage of the message to which you ask my attention. On the conclusion of peace, Congress, sensible of their right to assume independence, would not condescend to ask its acknowledgment from other nations, yet were willing, by some of the ordinary international transactions, to receive what would imply that acknowledgment. They appointed commissioners, therefore, to propose treaties of commerce to the principal nations of Europe. I was then a member of Congress, was of the committee appointed to prepare instructions for the commissioners, was, as you suppose, the draughtsman of those actually agreed to, and was joined with your father and Dr. Franklin, to carry them into execution. But the stipulations making part of these instructions, which respected privateering, blockades, contraband, and freedom of the fisheries, were not original conceptions of mine. They had before been suggested by Dr. Franklin, in some of his papers in possession of the public, and had, I think, been recommended in some letter of his to Congress. I happen only to have been the inserter of them in the first public act which gave the formal sanction of a public authority. We accordingly proposed our treaties, containing these stipulations, to the principal governments of Europe. But we were then just emerged from a subordinate condition; the nations had as yet known nothing of us, and had not yet reflected on the relations which it might be their interest to establish with us. Most of them, therefore, listened to our propositions with coyness and reserve; old Frederic alone closing with us without hesitation. The negotiator of Portugal, indeed, signed a treaty with us, which his government did not ratify, and Tuscany was near a final agreement. Becoming sensible, however, ourselves, that we should do nothing with the greater powers, we thought it better not to hamper our country

with engagements to those of less significance, and suffered our powers to expire without closing any other negotiations. Austria soon after became desirous of a treaty with us, and her ambassador pressed it often on me; but our commerce with her being no object, I evaded her repeated invitations. Had these governments been then apprized of the station we should so soon occupy among nations, all, I believe, would have met us promptly and with frankness. These principles would then have been established with all, and from being the conventional law with us alone, would have slid into their engagements with one another, and become general. These are the facts within my recollection. They have not yet got into written history; but their adoption by our southern brethren will bring them into observance, and make them, what they should be, a part of the law of the world, and of the reformation of principles for which they will be indebted to us. I pray you to accept the homage of my friendly and high consideration.

TO THE HONORABLE EDWARD EVERETT.

MONTICELLO, April 8, 1826.

DEAR SIR,—I thank you for the very able and eloquent speech you have been so kind as to send me on the amendment of the constitution, proposed by Mr. McDuffie. I have read it with pleasure and satisfaction, and concur with much of its contents. On the question of the lawfulness of slavery, that is of the right of one man to appropriate to himself the faculties of another without his consent, I certainly retain my early opinions. On that, however, of third persons to interfere between the parties, and the effect of conventional modifications of that pretension, we are probably nearer together. I think with you, also, that the constitution of the United States is a compact of independent nations subject to the rules acknowledged in similar cases, as well that of amendment provided within itself, as, in case of abuse, the justly dreaded but unavoidable *ultimo ratio gentium.*

The report on the Panama question mentioned in your letter has, as I suppose, got separated by the way. It will probably come by another mail. In some of the letters you have been kind enough to write me, I have been made to hope the favor of a visit from Washington. It would be received with sincere welcome, and unwillingly relinquished if no circumstance should render it inconvenient to yourself. I repeat always with pleasure the assurances of my great esteem and respect.

TO DR. EMMETT, PROFESSOR OF NATURAL HISTORY AT THE UNIVERSITY OF VIRGINIA.

MONTICELLO, April 27, 1826.

DEAR SIR,—It is time to think of the introduction of the school of Botany into our institution. Not that I suppose the lectures can be begun in the present year, but that we may this year make the preparations necessary for commencing them the next. For that branch, I presume, can be taught advantageously only during the short season while nature is in general bloom, say during a certain portion of the months of April and May, when, suspending the other branches of your department, that of Botany may claim your exclusive attention. Of this, however, you are to be the judge, as well as of what I may now propose on the subject of preparation. I will do this in writing, while sitting at my table, and at ease, because I can rally there, for your consideration, with more composure than in extempore conversation, my thoughts on what we have to do in the present season.

I suppose you were well acquainted, by character, if not personally, with the late Abbé Correa, who past some time among us, first as a distinguished savant of Europe, and afterwards as ambassador of Portugal, resident with our government. Profoundly learned in several other branches of science, he was so, above all others, in that of Botany; in which he preferred an amalgamation of the methods of Linnæus and of Jussieu, to either

of them exclusively. Our institution being then on hand, in which that was of course to be one of the subjects of instruction, I availed myself of his presence and friendship to obtain from him a general idea of the extent of ground we should employ, and the number and character of the plants we should introduce into it. He accordingly sketched for me a mere outline of the scale he would recommend, restrained altogether to objects of use, and indulging not at all in things of mere curiosity, and especially not yet thinking of a hot-house, or even of a green-house. I enclose you a copy of his paper, which was the more satisfactory to me, as it coincided with the moderate views to which our endowments as yet confine us. I am still the more satisfied, as it seemed to be confirmed by your own way of thinking, as I understood it in our conversation of the other day. To your judgment altogether his ideas will be submitted, as well as my own, now to be suggested as to the operations of the present year, preparatory to the commencement of the school in the next.

1. Our first operation must be the selection of a piece of ground of proper soil and site, suppose of about six acres, as M. Correa proposes. In choosing this we are to regard the circumstances of soil, water, and distance. I have diligently examined all our grounds with this view, and think that that on the public road, at the upper corner of our possessions, where the stream issues from them, has more of the requisite qualities than any other spot we possess.* 170 yards square, taken at that angle, would make the six acres we want. But the angle at the road is acute, and the form of the ground will be trapezoid, not square. I would take, therefore, for its breadth, all the ground between the road and the dam of the brick ponds, extending eastwardly up the hill, as far and as wide as our quantity would require. The bottom ground would suit for the garden plants; the hill sides for the trees.

* To wit, 19,360 square yards=4 acres for the garden of plants.
9,680 " " =2 acres for the plants of trees.
29,040 square yards=6 acres in the whole.

2. Operation. Enclose the ground with a serpentine brick wall seven feet high. This would take about 80,000 bricks, and cost $800, and it must depend on our finances whether they will afford that immediately, or allow us, for awhile, but enclosure of posts and rails.

3. Operation. Form all the hill sides into level terrasses of convenient breadth, curving with the hill, and the level ground into beds and alleys.

4. Operation. Make out a list of the plants thought necessary and sufficient for botanical purposes, and of the trees we propose to introduce, and take measures in time for procuring them.

As to the seeds of plants, much may be obtained from the gardeners of our own country. I have, moreover, a special resource. For three-and-twenty years of the last twenty-five, my good old friend Thonin, superintendent of the garden of plants at Paris, has regularly sent me a box of seeds, of such exotics, as to us, as would suit our climate, and containing nothing indigenous to our country. These I regularly sent to the public and private gardens of the other States, having as yet no employment for them here. But during the last two years this envoi has been intermitted, I know not why. I will immediately write and request a re-commencement of that kind office, on the ground that we can now employ them ourselves. They can be here in early spring.

The trees I should propose would be exotics of distinguished usefulness, and accommodated to our climate; such as the Larch, Cedar of Libanus, Cork, Oak, the Maronnier, Mahogany? the Catachu or Indian rubber tree of Napul, (30°) Teak tree, or Indian oak of Burman, (23°) the various woods of Brazil, &c.

The seed of the Larch can be obtained from a tree at Monticello. Cones of the Cedar of Libanus are in most of our seed shops, but may be had fresh from the trees in the English gardens. The Maronnier and Cork-oak, I can obtain from France. There is a Maronnier at Mount Vernon, but it is a seedling, and not therefore select. The others may be got through the means of our ministers and consuls in the countries where they grow,

or from the seed shops of England, where they may very possibly be found. Lastly, a gardener of sufficient skill must be obtained.

This, dear Sir, is the sum of what occurs to me at present; think of it, and let us at once enter on the operations.

Accept my friendly and respectful salutations.

TO DOCTOR JOHN P. EMMET.

MONTICELLO, May 2, 1826.

DEAR SIR,—The difficulties suggested in your favor of the 28th ult., are those which must occur at the commencement of every undertaking. A full view of the subject however will, I think, solve them. In every meditated enterprise, the means we can employ are to be estimated, and to these must be proportioned our expectations of effect. If, for example, to the cultivation of a given field we can devote but one hundred dollars, we are not to expect the product which $1,000 would extract from it. Applying this principle to the present subject of education, from a revenue of $15,000, and with eight Professors, we cannot expect to obtain that grade of instruction to our youth, which 15,000 guineas and thirty or forty instructors would give. Reviewing, then, the branches of science in which we wish our youth to obtain some instruction, we must distribute them into so many groups as we can employ Professors, and as equally too as practicable. We must take into account also the time which our youths can generally afford to the whole circle of education, and proportion the extent of instruction in each branch to the quota of that time, and of the Professor's attention which may fall to its share. In the smallest of our academies, two Professors alone can be afforded,—one of languages, another of sciences, or of Philosophy, as he is generally styled. The degree of instruction which can be given in each branch, at these schools, must be very moderate. Yet there are youths whose means can afford no more, and who nevertheless are glad even of that. The most

highly endowed of our Seminaries has a revenue of perhaps $25,000 or $30,000. They consequently may subdivide the sciences into twelve or fifteen schools, and give a proportionably more minute degree of instruction in each. It has enabled them, for example, to have five or six Professors of Theology. In Europe, some of their literary institutions can afford to employ twenty, thirty, or forty Professors. Our legislature, contemplating their means, took their stand at a revenue of $15,000, meant for an establishment of ten Professors, but equal in fact to eight only. Accommodating ourselves, therefore, to their views, we had to distribute into eight groups those sciences in which we wished our youth should receive instruction, and to content ourselves with the portion which that number could give. On the Professors it would of course devolve to form their lectures on such a scale of extension only, as to give to each of the sciences allotted them its due share of their time.

But another material question is, what is the whole term of time which the students can give to the whole course of instruction? I should say that three years should be allowed to general education, and two, or rather three, to the particular profession for which they are destined. We receive our students at the age of sixteen, expected to be previously so far qualified in the languages, ancient and modern, as that one year in our schools shall suffice for their last polish. A student then with us may give his first year here to languages and Mathematics; his second to Mathematics and Physics; his third to Physics and Chemistry, with the other objects of that school. I particularize this distribution merely for illustration, and not as that which either is, or perhaps ought to be established. This would ascribe one year to Languages, two to Mathematics, two to Physics, and one to Chemistry and its associates. Let us see next how the items of your school may be accommodated to this scale; but by way of illustration only, as before. The allotments to your school are Botany, Zoology, Mineralogy, Chemistry, Geology, and Rural Economy. This last, however, need not be considered as a distinct branch, but as one which may be sufficiently treated

by seasonable alliances with the kindred subjects of Chemistry, Botany and Zoology. Suppose then you give twelve dozen lectures a year; say two dozen to Botany and Zoology, two dozen to Mineralogy and Geology, and eight dozen to Chemistry. Or I should think that Mineralogy, Geology and Chemistry might be advantageously blended in the same course Then your year would be formed into two grand divisions; one-third to Botany and Zoology, and two-thirds to Chemistry and its associates, Mineralogy and Geology. To the last, indeed, I would give the least possible time. To learn, as far as observation has informed us, the ordinary arrangement of the different strata of minerals in the earth, to know from their habitual collocations and proximities, where we find one mineral, whether another, for which we are seeking, may be expected to be in its neighborhood, is useful. But the dreams about the modes of creation, inquiries whether our globe has been formed by the agency of fire or water, how many millions of years it has cost Vulcan or Neptune to produce what the fiat of the Creator would effect by a single act of will, is too idle to be worth a single hour of any man's life. You will say that two-thirds of a year, or any better estimated partition of it, can give but an inadequate knowledge of the whole science of Chemistry. But consider that we do not expect our schools to turn out their alumni already enthroned on the pinnacles of their respective sciences; but only so far advanced in each as to be able to pursue them by themselves, and to become Newtons and La Places by energies and perseverances to be continued through life. I have said that our original plan comprehended ten Professors, and we hope to be able ere long to supply the other two. One should relieve the Medical Professor from Anatomy and Surgery, and a school for the other would be made up of the surcharges of yours, and that of Physics.

From these views of the subject, dear Sir, your only difficulty appears to be so to proportion the time you can give to the different branches committed to you, as to bring, within the compass of a year, for example, that degree of instruction in each which

the year will afford. This may require some experience, and continued efforts at condensation. But, once effected, it will place your mind at ease, and give to our country a result proportioned to the means it furnishes, and which ought to satisfy, and will satisfy, all reasonable men. I am certain it will those to whom the charge and direction of this institution have been particularly confided, and to none assuredly more than to him from whom your doubts have drawn this unauthoritative exposition of the public expectations. And, with this assurance, be pleased to accept that of my sincerely friendly esteem and respect.

DEAR SIR,—After sealing the enclosed letter, it occurred to me that being on a general subject, and one equally applicable to the cases of your colleagues, the other Professors, I should wish it to be read by them also. It may produce an union of views, and harmony of action, which may be useful to the Institution. Yours affectionately.

TO ———.

MONTICELLO, May 15, 1826.

DEAR SIR,—The sentiments of justice which have dictated your letters of the 3d and 9th inst., are worthy of all praise, and merit and meet my thankful acknowledgments. Were your father now living and proposing, as you are, to publish a second edition of his memoirs, I am satisfied he would give a very different aspect to the pages of that work which respect Arnold's invasion and surprise of Richmond, in the winter of 1780–81. He was then, I believe, in South Carolina, too distant from the scene of those transactions to relate them on his own knowledge, or even to sift them from the chaff of the rumors then afloat, rumors which vanished soon before the real truth, as vapors before the sun, obliterated by their notoriety, from every candid mind, and by the voice of the many who, as actors or spectators knew what had truly past. The facts shall speak for themselves

General Washington had just given notice to all the Governors on the sea-board, north and south, that an embarcation was taking place at New York, destined for the *southward, as was given out there;* and on Sunday the 31st of December, 1780, we received information that a fleet had entered our capes. It happened fortunately that our legislature was at that moment in session, and within two days of their rising, so that, during these two days, we had the benefit of their presence, and of the counsel and information of the members individually. On Monday the 1st of January, we were in suspense as to the destination of this fleet, whether up the bay, or up our river. On Tuesday at 10 o'clock, however, we received information that they had entered James river; and, on general advice, we instantly prepared orders for calling in the militia, one-half from the nearer counties, and a fourth from the more remote, which would constitute a force of between four and five thousand men, of which orders the members of the legislature, which adjourned that day, took charge, each to his respective county; and we began the removal of everything from Richmond. The wind being fair and strong, the enemy ascended the river as rapidly almost as the expresses could ride, who were dispatched to us from time to time, to notify their progress. At 5 P. M. on Thursday, we learnt that they had then been three hours landed at Westover. The whole militia of the adjacent counties were now called for, and to come on individually, without waiting any regular array. At 1 P. M. the next day, (Friday,) they entered Richmond, and on Saturday, after twenty-four hours possession, burning some houses, destroying property, &c., they retreated, encamped that evening ten miles below, and reached their shipping at Westover the next day, (Sunday.)

By this time had assembled three hundred militia under Colonel Nicholas, six miles above Westover, and two hundred under General Nelson, at Charles city Court House, eight miles below. Two or three hundred at Petersburg had put themselves under General Smallwood, of Maryland, accidentally there on his passage through the State; and Baron Steuben with eight hundred,

and Colonel Gibson with one thousand, were also on the south side of James river, aiming to reach Hood's before the enemy should have passed it, where they hoped they could arrest them. But the wind, having shifted, carried them down as prosperously as it had brought them up the river. Within the first five days, therefore, about twenty-five hundred men had collected at three or four different points, ready for junction. I was absent myself from Richmond (but always within observing distance of the enemy) three days only, during which I was never off my horse but to take food or rest, and was everywhere where my presence could be of any service; and I may with confidence challenge any one to put his finger on the point of time when I was in a state of remissness from any duty of my station. But I was not with the army! true; for first, where was it? second, I was engaged in the more important function of taking measures to collect an army; and, without military education myself, instead of jeopardizing the public safety by pretending to take its command, of which I knew nothing, I had committed it to persons of the art, men who knew how to make the best use of it, to Steuben for instance, to Nelson and others, possessing that military skill and experience, of which I had none.

Let our condition, too, at that time be duly considered. Without arms, without money of effect, without a regular soldier in the State, or a regular officer, except Steuben, a militia scattered over the country, and called at a moment's warning to leave their families and firesides, in the dead of winter, to meet an enemy ready marshalled, and prepared at all points to receive them. Yet had time been given them by the hasty retreat of that enemy, I have no doubt but the rush to arms, and to the protection of their country, would have been as rapid and universal as in the invasion during our late war, when, at the first moment of notice, our citizens rose in mass, from every part of the State, and without waiting to be marshalled by their officers, armed themselves, and marched off by ones and by twos, as quickly as they could equip themselves. Of the individuals of the same house one would start in the morning, a second at noon, a third

in the evening, no one waiting an hour for the company of another. This I saw myself on the late occasion, and should have seen on the former had wind, and tide, and a Howe, instead of an Arnold, slackened their pace ever so little.

And is the surprise of an open and unarmed place, although called a city, and even a capital, so unprecedented as to be a matter of indelible reproach? Which of our own capitals during the same war, was not in possession of the same enemy, not merely by surprise and for a day only, but permanently? That of Georgia? of South Carolina? North Carolina? Pennsylvania? New York? Connecticut? Rhode Island? Massachusetts? And if others were not, it was because the enemy saw no object in taking possession of them. Add to the list in the late war, Washington, the metropolis of the Union, covered by a fort, with troops and a dense population. And what capital on the continent of Europe, (St. Petersburg and its regions of ice excepted,) did not Bonaparte take and hold at his pleasure? Is it then just that Richmond and its authorities alone should be placed under the reproach of history, because, in a moment of peculiar denudation of resources, by the *coup de main* of an enemy, led on by the hand of fortune directing the winds and weather to their wishes, it was surprised and held for twenty-four hours? Or strange that that enemy with such advantages, should be enabled then to get off, without risking the honors he had achieved by burnings and destructions of property peculiar to his principles of warfare? We, at least, may leave these glories to their own trumpet.

During this crisis of trial I was left alone, unassisted by the co-operation of a single public functionary. For, with the legislature, every member of the council had departed to take care of his own family. Unaided even in my bodily labors, but by my horse, and he, exhausted at length by fatigue, sunk under me in the public road, where I had to leave him, and with my saddle and bridle on my shoulders, to walk afoot to the nearest farm, where I borrowed an unbroken colt, and proceeded

to Manchester, opposite to Richmond, which the enemy had evacuated a few hours before.

Without further pursuing these minute details, I will here ask the favor of you to turn to Girardin's History of Virginia, where such of them as are worthy the notice of history, are related in that scale of extension which its objects admit. That work was written at Milton, within two or three miles of Monticello; and at the request of the author, I communicated to him every paper I possessed on the subject, of which he made the use he thought proper for his work. [See his pages 453, 460, and the appendix xi.—xv.] I can assure you of the truth of every fact he has drawn from these papers, and of the genuineness of such as he has taken the trouble of copying. It happened that during those eight days of incessant labor, for the benefit of my own memory, I carefully noted every circumstance worth it. These memorandums were often written on horseback, and on scraps of paper taken out of my pocket at the moment, fortunately preserved to this day, and now lying before me. I wish you could see them. But my papers of that period are stitched together in large masses, and so tattered and tender as not to admit removal further than from their shelves to a reading table. They bear an internal evidence of fidelity which must carry conviction to every one who sees them. We have nothing in our neighborhood which could compensate the trouble of a visit to it, unless perhaps our University, which I believe you have not seen, and I can assure you is worth seeing. Should you think so, I would ask as much of your time at Monticello as would enable you to examine these papers at your ease. Many others too are interspersed among them, which have relation to your object, many letters from Generals Gates, Greene, Stephens and others engaged in the Southern war, and in the North also. All should be laid open to you without reserve, for there is not a truth existing which I fear, or would wish unknown to the whole world. During the invasions of Arnold, Phillips and Cornwallis, until my time of office had expired, I made it a point, once a week, by letters to the President of Congress, and

to General Washington, to give them an exact narrative of the transactions of the week. These letters should still be in the office of state in Washington, and in the presses at Mount Vernon. Or, if the former were destroyed by the conflagrations of the British, the latter are surely safe, and may be appealed to in corroboration of what I have now written.

There is another transaction, very erroneously stated in the same work, which although not concerning myself, is within my own knowledge, and I think it a duty to communicate it to you. I am sorry that not being in possession of a copy of the memoirs, I am not able to quote the page, and still less the facts themselves, verbatim from the text. But of the substance, as recollected, I am certain. It is said there that, about the time of Tarleton's expedition up the north branch of James river to Charlottesville and Monticello, Simcoe was detached up the southern branch, and penetrated as far as New London, in Bedford, where he destroyed a depôt of arms, &c., &c. I was with my family, at the time, at a possession I have within three miles of New London, and I can assure you of my own knowledge that he did not advance to within fifty miles of New London. Having reached the lower end of Buckingham, as I have understood, he heard of a deposit of arms, and a party of new recruits under Baron Steuben, somewhere in Prince Edward; he left the Buckingham road immediately, at or near Francisco's, pushed directly south at this new object, was disappointed, and returned to and down James river to head quarters. I had then returned to Monticello myself, and from thence saw the smokes of his conflagration of houses and property on that river, as they successively arose in the horizon at a distance of twenty-five or thirty miles. I must repeat that his excursion from Francisco's is not from my own knowledge, but as I have heard it from the inhabitants on the Buckingham road, which for many years I travelled six or eight times a year. The particulars of that, therefore, may need inquiry and correction.

These are all the recollections within the scope of your request, which I can state with precision and certainty; and of

these you are free to make what use you think proper in the new edition of your father's work; and with which I pray you to accept the assurances of my great esteem and respect.

TO MR. WEIGHTMAN.

MONTICELLO, June 24, 1826.

RESPECTED SIR,—The kind invitation I receive from you, on the part of the citizens of the city of Washington, to be present with them at their celebration on the fiftieth anniversary of American Independence, as one of the surviving signers of an instrument pregnant with our own, and the fate of the world, is most flattering to myself, and heightened by the honorable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day. But acquiescence is a duty, under circumstances not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged there congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful election we were to make for our country, between submission or the sword; and to have enjoyed with them the consolatory fact, that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born

with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.

I will ask permission here to express the pleasure with which I should have met my ancient neighbors of the city of Washington and its vicinities, with whom I passed so many years of a pleasing social intercourse; an intercourse which so much relieved the anxieties of the public cares, and left impressions so deeply engraved in my affections, as never to be forgotten. With my regret that ill health forbids me the gratification of an acceptance, be pleased to receive for yourself, and those for whom you write, the assurance of my highest respect and friendly attachments.

BOOK III.

OFFICIAL PAPERS

PART I.—REPORTS AND OPINIONS WHILE SECRETARY OF STATE.

" II.—INAUGURAL ADDRESSES AND MESSAGES.

" III.—REPLIES TO PUBLIC ADDRESSES.

" IV.—INDIAN ADDRESSES.

INTRODUCTORY TO BOOK III.

This division of the work embracesall the important official papers of Thomas Jefferson, from the time at which he entered upon the duties of the Secretaryship of State to the end of his Presidential term, with the exception of his official letters, a part of which will be found printed in Book II., devoted to his general correspondence, both official and private. It being the wish of the Library committee, under whose supervision this work has been prepared, that it should be compressed within as few volumes as was consistent with justice to the reputation of the author, and the great body of Mr. Jefferson's official letters having been already published among the American State Papers and Sparks' Diplomatic Correspondence, the most interesting and valuable only have been selected for re-publication in this work, as specimens of the author's manner in the preparation of such papers. All omitted here will be found in the publications just referred to.

The official papers embraced in this division of the work, have been classified, for the purposes of easy reference, under the following heads:

Part I.—*Reports and Opinions while Secretary of State.*—Under this head are included Jefferson's Reports to Congress, which have been published before; also, his Reports to the President, and his Cabinet Opinions, both of which were private, and are now for the first time given to the public. It seems to have been the practice of Washington, to take the written opinions of his Secretaries upon important points arising during his administration, and the opinions of Jefferson, here published, were given in reply to questions propounded and points submitted to him by the President, in conformity with this practice. They relate to a great variety of matters connected with the early history of our government, and the principles of interpretation to be applied to the Federal Constitution, and will be found interesting and valuable.

Part II.—*Inaugural Address and Messages.*—During the administration of Washington and Adams, it was the custom of the President, at the opening of each session of Congress, to meet both Houses in person, and deliver a written speech, to which, in the course of a few days, each House would return an answer through a committee appointed to wait upon him, he, at the same time, returning a brief reply. Mr. Jefferson, at the beginning of his Presidential term, changed this system. Instead of meeting the Houses of Congress in person, and addressing to them a speech, he sent them a written message, thus substituting messages for speeches. His reasons for this change were the greater convenience of messages over speeches, the economy of time, and the relief of Congress from the necessity of answering on subjects in regard to which they were often very imperfectly informed. The general opinion of the country at the time seems to have approved the change; and the mode of communicating with Congress by messages in preference to speeches, has been invariably adopted by the Presidents ever since.

This division of the work contains Jefferson's Inaugural Address and regular and special messages.

Part III.—*Replies to Public Addresses.*—The public addresses received by Mr. Jefferson, and answered by him, were very numerous. This was particularly the case at the time of the Embargo, the attack on the Chesapeake, and the termination of his Presidential service. The plan of this work does not admit the publication of the whole of these Addresses and Replies; nor, indeed, is there any necessity for it. It is only necessary that a few of the Replies should be published, as specimens of the rest. This has been done, selecting such as have the highest claim, and omitting none which possess any historical value.

Part IV.—*Indian Addresses.*—There is a number of these Addresses. They possess a certain interest as exhibiting the humane policy of our government towards the Indians, our efforts to civilize them, to make them agriculturists, to keep them at peace with ourselves and with each other, and the manner in which their lands were acquired from them, always by purchase, with their own free consent. Some of the most important have, therefore, been incorporated in the work.

PART I.

REPORTS AND OPINIONS WHILE SECRETARY OF STATE.

I.—*Report on the methods for obtaining Fresh Water from Salt.*

The Secretary of State, to whom was referred by the House of Representatives of the United States, the petition of Jacob Isaacs of Newport in Rhode Island, has examined into the truth and importance of the allegations therein set forth, and makes thereon the following report:

The petitioner sets forth, that by various experiments, with considerable labor and expense, he has discovered a method of converting salt-water into fresh, in the proportion of 8 parts out of 10, by a process so simple that it may be performed on board of vessels at sea by the common iron caboose, with small alterations, by the same fire, and in the same time, which is used for cooking the ship's provisions, and offers to convey to the government of the United States a faithful account of his art or secret, to be used by, or within the United States, on their 'giving to him a reward suitable to the importance of the discovery, and in the opinion of government, adequate to his expenses and the time he has devoted to the bringing it into effect.

In order to ascertain the merit of the petitioner's discovery, it becomes necessary to examine the advances already made in the art of converting salt-water into fresh.

Lord Bacon, to whom the world is indebted for the first germs

of so many branches of science, had observed, that with a heat sufficient for distillation, salt will not rise in vapor, and that salt-water distilled is fresh; and it would seem, that all mankind might have observed that the earth is supplied with fresh water chiefly by exhalation from the sea, which is, in fact, an insensible distillation effected by the heat of the sun; yet this, although the most obvious, was not the first idea in the essays for converting salt-water into fresh; filtration was tried in vain, and congelation could be resorted to only in the coldest regions and seasons. In all the earlier trials by distillation, some mixture was thought necessary to aid the operation by a partial precipitation of the salt, and other foreign matters contained in sea-water. Of this kind, were the methods of Sir Richard Hawkins in the sixteenth century, of Glauber, Hauton, and Lister, in the seventeenth, and of Hales, Appleby, Butler, Chapman, Hoffman, and Dore, in the eighteenth; nor was there anything in these methods worthy noting on the present occasion, except the very simple still contrived extempore by Captain Chapman, and made from such materials as are to be found on board every ship, great or small; this was a common pot, with a wooded lid of the usual form; in the centre of which a hole was bored to receive perpendicularly, a short wooden tube made with an inch-and-a-half auger, which perpendicular tube received at its top, and at an acute angle, another tube of wood also, which descended until it joined a third of pewter made by rolling up a dish and passing it obliquely through a cask of cold water; with this simple machine he obtained two quarts of fresh water an hour, and observed that the expense of fuel would be very trifling, if the still was contrived to stand on the fire along with the ship's boiler.

In 1762, Doctor Lind, proposing to make experiment of several different mixtures, first distilled rain-water, which he supposed would be the purest, and then sea-water, without any mixture, which he expected would be the least pure, in order to arrange between these two supposed extremes, the degree of merit of the several ingredients he meant to try; "to his great surprise," as he confesses, the sea-water distilled without any mixture, was

as pure as the rain-water; he pursued the discovery and established the fact, that a pure and potable fresh water may be obtained from salt-water by simple distillation, without the aid of any mixture for fining or precipitating its foreign contents. In 1767, he proposed an extempore still, which, in fact, was Chapman's, only substituting a gun-barrel instead of Chapman's pewter tube, and the hand-pump of the ship to be cut in two obliquely and joined again at an acure angle, instead of Chapman's wooden tubes bored expressly; or instead of the wooden lid and upright tube, he proposed a tea-kettle (without its lid or handle) to be turned bottom upwards over the mouth of the pot by way of still-head, and a wooden tube leading from the spout to a gun-barrel passing through a cask of water, the whole luted with equal parts of chalk and meal moistened with salt-water. With this apparatus of a pot, tea-kettle, and gun-barrel, the Dolphin, a twenty-gun ship, in her voyage around the world in 1768, from 56 gallons of sea-water and with 9 lbs. of wood and 69 lbs. of pit-coal made 42 gallons of good fresh water, at the rate of 8 gallons an hour. The Dorsetshire, in her passage from Gibraltar to Mahon in 1769, made 19 quarts of pure water in four hours with 10 lbs. of wood, and the Slambal in 1773, between Bombay and Bengal, with the hand-pump, gun-barrel, and a pot of 6 gallons of sea-water, made ten quarts of fresh water in three hours.

In 1771, Dr. Irvin putting together Lind's idea of distilling without a mixture, Chapman's still, and Dr. Franklin's method of cooling by evaporation, obtained a premium of five thousand pounds from the British parliament. He wet his tube constantly with a mop instead of passing it through a cask of water; he enlarged its bore also, in order to give a free passage to the vapor, and thereby increase its quantity by lessening the resistance or pressure on the evaporating surface. This last improvement was his own; it doubtless contributed to the success of his process; and we may suppose the enlargement of the tube to be useful to that point at which the central parts of the vapor passing through it would begin to escape condensation. Lord Mulgrave used his method in his voyage towards the north pole in 1773, making

from 34 to 40 gallons of fresh water a day, without any great addition of fuel, as he says.

M. de Bougainville, in his voyage round the world, used very successfully a still which had been contrived in 1763 by Poyssonier to guard against the water being thrown over from the boiler into the pipe, by the agitation of the ship. In this, one singularity was, that the furnace or fire-box was in the middle of the boiler, so that the water surrounded it in contact. This still, however, was expensive, and occupied much room.

Such was the advances already made in the art of obtaining fresh from salt-water, when Mr. Isaacs, the petitioner, suggested his discovery. As the merit of this could be ascertained by experiment only, the Secretary of State asked the favor of Mr. Rittenhouse, President of the American Philosophical Society, of Dr. Wistar, professor of chemistry in the college at Philadelphia, and Dr. Hutchinson, professor of chemistry in the University of Pennsylvania, to be present at the experiments. Mr. Isaacs fixed the pot, a small caboose, with a tin cap and straight tube of tin passing obliquely through a cask of cold water; he made use of a mixture, the composition of which he did not explain, and from 24 pints of sea-water, taken up about three miles out of the Capes of Delaware, at flood-tide, he distilled 22 pints of fresh water in four hours with 20 lbs. of seasoned pine, which was a little wetted by having lain in the rain.

In a second experiment of the 21st of March, performed in a furnace, and five-gallon still at the college, from 32 pints of sea-water he drew 31 pints of fresh water in 7 hours and 24 minutes, with 51 lbs. of hickory, which had been cut about six months. In order to decide whether Mr. Isaacs' mixture contributed in any and what degree to the success of the operation, it was thought proper to repeat his experiment under the same circumstances exactly, except the omission of the mixture. Accordingly, on the next day, the same quantity of sea-water was put into the same still, the same furnace was used, and fuel from the same parcel; it yielded, as his had done, 31 pints fresh water in 11 minutes more of time, and with 10 lbs. less of wood.

On the 24th of March, Mr. Isaacs performed a third experiment. For this, a common iron pot of three and a half gallons was fixed in brick work, and the flue from the hearth wound once around this pot spirally, and then passed off up a chimney.

The cap was of tin, and a straight tin tube o about two inches diameter passing obliquely through a barrel of water, served instead of a worm. From sixteen pints of sea-water he drew off fifteen pints of fresh water, in two hours fifty-five minutes, with 3 lbs. of dry hickory and 8 lbs. of seasoned pine. This experiment was also repeated the next day, with the same apparatus, and fuel from the same parcel; but without the mixture, sixteen pints of sea-water yielded in like manner fifteen pints of fresh in one minute more of time, and with ½ lb. less of wood. On the whole, it was evident that Mr. Isaacs' mixture produced no advantage either in the process or result of the distillation.

The distilled water in all these instances, was found on experiment to be as pure as the best pump water of the city; its taste, indeed, was not as agreeable, but it was not such as to produce any disgust. In fact, we drink, in common life, in many places, and under many circumstances, and almost always at sea, a worse tasted and probably a less wholesome water.

The obtaining fresh from salt-water was for ages considered as an important desideratum for the use of navigators. The process for doing this by simple distillation is so efficacious, the erecting an extempore still with such utensils as are found on board of every ship, is so practicable, as to authorize the assertion that this desideratum is satisfied to a very useful degree. But though this has been done for upwards of thirty years, though its reality has been established by the actual experience of several vessels which have had recourse to it, yet neither the fact nor the process is known to the mass of seamen, to whom it would be the most useful, and for whom it was principally wanted. The Secretary of State is therefore of opinion that since the subject has now been brought under observation, it should be

made the occasion of disseminating its knowledge generally and effectually among the seafaring citizens of the United States. The following is one of the many methods which might be proposed for doing this: Let the clearance for every vessel sailing from the ports of the United States be printed on a paper, in the back whereof shall be a printed account of the essays which have been made for obtaining fresh from salt-water, mentioning shortly those which have been unsuccessful, and more fully those which have succeeded, describing the methods which have been found to answer for constructing extempore stills of such implements as are generally on board of every vessel, with a recommendation in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette on their return to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

II. *Opinion on the proposition for establishing a Woollen Manufactory in Virginia.*

The House of Delegates of Virginia seemed disposed to adventure £2,500 for the encouragement of this undertaking, but the Senate did not concur. By their returning to the subject, however, at a subsequent session, and wishing more specific propositions, it is probable they might be induced to concur, if they saw a certain provision that their money would not be paid for nothing. Some unsuccessful experiments heretofore may have suggested this caution.

Suppose the propositions brought into some such shape as this: The undertaker is to contribute £1,000, the State £2,500, viz.: the undertaker having laid out his £1,000 in the necessary im-

plements to be brought from Europe, and these being landed in Virginia as a security that he will proceed, let the State pay for

the first necessary purposes then to occur . .	£1,000
Let it pay him a stipend of £100 a year for the first three years	300
Let it give him a bounty (suppose one-third) on every yard of woollen cloth equal to good plains, which he shall weave for five years, not exceeding £250 a year (20,000 yards) the four first years, and £200 the fifth	1,200
	£2,500

To every workman whom he shall import, let them give, after he shall have worked in the manufactory five years, warrants for —— acres of land, and pay the expenses of survey, patents, &c. [This last article is to meet the proposition of the undertaker. I do not like it, because it tends to draw off the manufacturer from his trade. I should better like a premium to him on his continuance in it; as, for instance, that he should be free from State taxes as long as he should carry on his trade.]

The President's intervention seems necessary till the contracts shall be concluded. It is presumed he would not like to be embarrassed afterwards with the details of superintendence. Suppose, in his answer to the Governor of Virginia, he should say that the undertaker being in Europe, more specific propositions cannot be obtained from him in time to be laid before this assembly; that in order to secure to the State the benefits of the establishment, and yet guard them against an unproductive grant of money, he thinks some plan like the preceding one might be proposed to the undertaker.

That as it is not known whether he would accept it exactly in that form, it might disappoint the views of the State were they to prescribe that or any other form rigorously, consequently that a discretionary power must be given to a certain extent.

That he would willingly coöperate with their executive in effecting the contract, and certainly would not conclude it on any terms worse for the State than those before explained, and that

the contracts being once concluded, his distance and other occupations would oblige him to leave the execution open to the Executive of the State.

III. *The Report on Copper Coinage, communicated to the House of Representatives, April 15th,* 1790.

April 14, 1790.

The Secretary of State, to whom was referred, by the House of Representatives, the letter of John H. Mitchell, reciting certain proposals for supplying the United States with copper coinage, has had the same under consideration, according to instructions, and begs leave to report thereon as follows:

The person who wishes to undertake the supply of a copper coinage, sets forth, that the superiority of his apparatus and process for coining, enables him to furnish a coinage better and cheaper than can be done by any country or person whatever; that his dies are engraved by the first artist in that line in Europe; that his apparatus for striking the edge at the same blow with the faces, is new, and singularly ingenious; that he coins by a press on a new principle, and worked by a fire-engine, more regularly than can be done by hand; that he will deliver any quantity of coin, of any size and device, of pure, unalloyed copper, wrapped in paper and packed in casks, ready for shipping, for fourteen pence sterling the pound.

The Secretary of State has before been apprized, from other sources of information, of the great improvements made by this undertaker, in sundry arts; he is acquainted with the artist who invented the method of striking the edge, and both faces of the coin at one blow; he has seen his process and coins, and sent to the former Congress some specimens of them, with certain offers from him, before he entered into the service of the present undertaker, (which specimens he takes the liberty of now submitting to the inspection of the House, as proofs of the superiority of this method of coinage, in gold and silver as well as copper.)

He is, therefore, of opinion, that the undertaker, aided by that artist, and by his own excellent machines, is truly in a condition to furnish coin in a state of higher perfection than has ever yet been issued by any nation; that perfection in the engraving is among the greatest safeguards against counterfeits, because engravers of the first class are few, and elevated by their rank in their art, far above the base and dangerous business of counterfeiting. That the perfection of coins will indeed disappear, after they are for some time worn among other pieces, and especially where the figures are rather faintly relieved, as on those of this artist; yet, their high finishing, while new, is not the less a guard against counterfeits, because these, if carried to any extent, may be ushered into circulation new, also, and consequently, may be compared with genuine coins in the same state; that, therefore, whenever the United States shall be disposed to have a coin of their own, it will be desirable to aim at this kind of perfection. That this cannot be better effected, than by availing themselves, if possible, of the services of the undertaker, and of this artist, whose excellent methods and machines are said to have abridged, as well as perfected, the operations of coinage. These operations, however, and their expense, being new, and unknown here, he is unable to say whether the price proposed be reasonable or not. He is also uncertain whether, instead of the larger copper coin, the Legislature might not prefer a lighter one of billon, or mixed metal, as is practised, with convenience, by several other nations—a specimen of which kind of coinage is submitted to their inspection.

But the propositions under consideration suppose that the work is to be carried on in a foreign country, and that the implements are to remain the property of the undertaker; which conditions, in his opinion, render them inadmissible, for these reasons:

Coinage is peculiarly an attribute of sovereignty. To transfer its exercise into another country, is to submit it to another sovereign.

Its transportation across the ocean, besides the ordinary dan-

gers of the sea, would expose it to acts of piracy, by the crews to whom it would be confided, as well as by others apprized of its passage.

In time of war, it would offer to the enterprises of an enemy, what have been emphatically called the sinews of war.

If the war were with the nation within whose territory the coinage is, the first act of war, or reprisal, might be to arrest this operation, with the implements and materials coined and uncoined, to be used at their discretion.

The reputation and principles of the present undertaker are safeguards against the abuses of a coinage, carried on in a foreign country, where no checks could be provided by the proper sovereign, no regulations established, no police, no guard exercised; in short, none of the numerous cautions hitherto thought essential at every mint; but in hands less entitled to confidence, these will become dangers. We may be secured, indeed, by proper experiments as to the purity of the coin delivered us according to contract, but we cannot be secured against that which, though less pure, shall be struck in the genuine die, and protected against the vigilance of Government, till it shall have entered into circulation.

We lose the opportunity of calling in and re-coining the clipped money in circulation, or we double our risk by a double transportation.

We lose, in like manner, the resource of coining up our household plate in the instant of great distress.

We lose the means of forming artists to continue the works, when the common accidents of mortality shall have deprived us of those who began them.

In fine, the carrying on a coinage in a foreign country, as far as the Secretary knows, is without example; and general example is weighty authority.

He is, therefore, of opinion, on the whole, that a mint, whenever established, should be established at home; that the superiority, the merit, and means of the undertaker, will suggest him as the proper person to be engaged in the establishment and con-

duct of a mint, on a scale which, relinquishing nothing in the perfection of the coin, shall be duly proportioned to our purposes.

And, in the meanwhile, he is of opinion the present proposals should be declined.

IV.—*Opinion on the question whether the Senate has the right to negative the grade of persons appointed by the Executive to fill Foreign Missions.*

NEW YORK, April 24, 1790.

The constitution having declared that the President shall *nominate* and, by and with the advice and consent of the Senate, shall *appoint* ambassadors, other public ministers, and consuls, the President desired my opinion whether the Senate has a right to negative the *grade* he may think it expedient to use in a foreign mission as well as the *person* to be appointed.

I think the Senate has no right to negative the *grade*.

The constitution has divided the powers of government into three branches, Legislative, Executive and Judiciary, lodging each with a distinct magistracy. The Legislative it has given completely to the Senate and House of Representatives. It has declared that the Executive powers shall be vested in the President, submitting special articles of it to a negative by the Senate, and it has vested the Judiciary power in the courts of justice, with certain exceptions also in favor of the Senate.

The transaction of business with foreign nations is Executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly.

The constitution itself indeed has taken care to circumscribe this one within very strict limits; for it gives the *nomination* of the foreign agents to the President, the *appointments* to him and the Senate jointly, and the *commissioning* to the President.

This analysis calls our attention the strict import of each term. To *nominate* must be to *propose*. *Appointment* seems

that act of the will which constitutes or makes the agent, and the *commission* is the public evidence of it. But there are still other acts previous to these not specially enumerated in the constitution, to wit: 1st. The destination of a mission to the particular country where the public service calls for it, and second the character or grade to be employed in it. The natural order of all these is first, destination; second, grade; third, nomination; fourth, appointment; fifth, commission. If *appointment* does not comprehend the neighboring acts of *nomination* or *commission*, (and the constitution says it shall not, by giving them exclusively to the President,) still less can it pretend to comprehend those previous and more remote, of *destination* and *grade*.

The constitution, analysing the three last, shows they do not comprehend the two first. The fourth is the only one it submits to the Senate, shaping it into a right to say that "A or B is unfit to be appointed." Now, this cannot comprehend a right to say that "A or B is indeed fit to be appointed," but the grade fixed on is not the fit one to employ, or, "our connections with the country of his destination are not such as to call for any mission."

The Senate is not supposed by the constitution to be acquainted with the concerns of the Executive department. It was not intended that these should be communicated to them, nor can they therefore be qualified to judge of the necessity which calls for a mission to any particular place, or of the particular grade, more or less marked, which special and secret circumstances may call for. All this is left to the President. They are only to see that no unfit person be employed.

It may be objected that the Senate may by continual negatives on the *person*, do what amounts to a negative on the *grade*, and so, indirectly, defeat this right of the President. But this would be a breach of trust; an abuse of power confided to the Senate, of which that body cannot be supposed capable. So the President has a power to convoke the Legislature, and the Senate might defeat that power by refusing to come. This equally amounts to a negative on the power of convoking. Yet

nobody will say they possess such a negative, or would be capable of usurping it by such oblique means. If the constitution had meant to give the Senate a negative on the grade or destination, as well as the person, it would have said so in direct terms, and not left it to be effected by a sidewind. It could never mean to give them the use of one power through the abuse of another.

V.—*Opinion upon the validity of a grant made by the State of Georgia to certain companies of individuals, of a tract of country whereof the Indian right had never been extinguished, with power to such individuals to extinguish the Indian right.*

May 3d, 1790.

The State of Georgia, having granted to certain individuals a tract of country, within their chartered limits, whereof the Indian right has never yet been acquired; with a proviso in the grants, which implies that those individuals may take measures for extinguishing the Indian rights under the authority of that Government, it becomes a question how far this grant is good?

A society, taking possession of a vacant country, and declaring they mean to occupy it, does thereby appropriate to themselves as prime occupants what was before common. A practice introduced since the discovery of America, authorizes them to go further, and to fix the limits which they assume to themselves; and it seems, for the common good, to admit this right to a moderate and reasonable extent.

If the country, instead of being altogether vacant, is thinly occupied by another nation, the right of the native forms an exception to that of the new comers; that is to say, these will only have a right against all other nations except the natives. Consequently, they have the exclusive privilege of acquiring the native right by purchase or other just means. This is called the right of preëmption, and is become a principle of the law of na-

tions, fundamental with respect to America. There are but two means of acquiring the native title. First, war; for even war may, sometimes, give a just title. Second, contracts or treaty.

The States of America before their present union possessed completely, each within its own limits, the exclusive right to use these two means of acquiring the native title, and, by their act of union, they have as completely ceded both to the general government. Art. 2d, Section 1st. "The President shall have power, by and with the advice of the Senate, to make treaties, provided two thirds of the Senators present concur." Art. 1st, Section 8th, "The Congress shall have power to declare war, to raise and support armies." Section 10th, "No State shall enter into any treaty, alliance or confederation. No State shall, without the consent of Congress, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay."

These paragraphs of the constitution, declaring that the general government shall have, and that the particular ones shall not have, the right of war and treaty, are so explicit that no commentary can explain them further, nor can any explain them away. Consequently, Georgia, *possessing the exclusive right to acquire the native title*, but having relinquished the *means* of doing it to the general government, can only have put her grantee into her own condition. She could convey to them the exclusive right to acquire; but she could not convey what she had not herself, that is, the means of acquiring.

For these they must come to the general government, in whose hands they have been wisely deposited for the purposes both of peace and justice.

What is to be done? The right of the general government is, in my opinion, to be maintained. The case is sound, and the means of doing it as practicable as can ever occur. But respect and friendship should, I think, mark the conduct of the general towards the particular government, and explanations should be

asked and time and color given them to tread back their steps before coercion is held up to their view. I am told there is already a strong party in Georgia opposed to the act of their government.

I should think it better then that the first measures, while firm, be yet so temperate as to secure their alliance and aid to the general government.

Might not the eclat of a proclamation revolt their pride and passion, and throw them hastily into the opposite scale? It will be proper indeed to require from the government of Georgia, in the first moment, that while the general government shall be expecting and considering her explanations, things shall remain in *statu quo*, and not a move be made towards carrying what they have begun into execution.

Perhaps it might not be superfluous to send some person to the Indians interested, to explain to them the views of government, and to watch with their aid the territory in question.

VI.—*Opinion in favor of the resolutions of May 21st, 1790, directing that, in all cases where payment had not been already made, the debts due to the soldiers of Virginia and North Carolina, should be paid to the original claimants or their attorneys, and not to their assignees.*

June 3d, 1790.

The accounts of the soldiers of Virginia and North Carolina, having been examined by the proper officer of government, the balances due to each individual ascertained, and a list of these balances made out, this list became known to certain persons before the soldiers themselves had information of it, and those persons, by unfair means, as is said, and for very inadequate considerations, obtained assignments from many of the soldiers of whatever sum should be due to them from the public, without specifying the amount.

The legislature, to defeat this fraud, passed resolutions on the

21st of May, 1796, directing that where payment had not been made to the original claimant in person or his representatives, it shall be made to him or them personally, or to their attorney, producing a power for that purpose, attested by two justices of the county where he resides, and specifying the certain sum he is to receive.

It has been objected to these resolutions that they annul transfers of property which were good by the laws under which they were made; that they take from the assignees their lawful property; are contrary to the principles of the constitution, which condemn retrospective laws; and are, therefore, not worthy of the President's approbation.

I agree in an almost unlimited condemnation of retrospective laws. The few instances of wrong which they redress are so overweighed by the insecurity they draw over all property and even over life itself, and by the atrocious violations of both to which they lead that it is better to live under the evil than the remedy.

The only question I shall make is, whether these resolutions annul acts which were valid when they were done?

This question respects the laws of Virginia and North Carolina only. On the latter I am not qualified to decide, and therefore beg leave to confine myself to the former.

By the common law of England (adopted in Virginia) the conveyance of a right to a debt or other thing whereof the party is not in possession, is not only void, but severely punishable under the names of Maintenance and Champerty. The Law-merchants, however, which is permitted to have course between merchants, allows the assignment of a *bill of exchange* for the convenience of commerce. This, therefore, forms one exception to the general rule, that a mere right or thing in action is not assignable. A second exception has been formed by an English statute (copied into the laws of Virginia) permitting *promissory notes* to be assigned. The laws of Virginia have gone yet further than the statute, and have allowed, as a third exception, that a *bond* should be assigned, which cannot be done

even at this day in England. So that, in Virginia, when a debt has been settled between the parties and put into the form of a bill of exchange, promissory note or bond, the law admits it to be transferred by assignment. In all other cases the assignment of a debt is void.

The debts from the United States to the soldiers of Virginia, not having been put into either of these forms, the assignments of them were void in law.

A creditor may give an order on his debtor in favor of another, but if the debtor does not accept it, he must be sued in the creditor's name; which shows that the *order* does not transfer the property of the debts. The creditor may appoint another to be his attorney to receive and recover his debt, and he may covenant that when received the attorney may apply it to his own use. But he must sue as attorney to the original proprietor, and not in his own right.

This proves that a *power of attorney*, with such a *covenant*, does not transfer the property of the debt. A further proof in both cases is, that the original creditor may at any time before payment or acceptance revoke either his order or his power of attorney.

In that event the person in whose favor they were given has recourse to a court of equity. When there, the judge examines whether he has done equity. If he finds his transaction has been a fair one, he gives him aid. If he finds it has been otherwise, not permitting his court to be made a handmaid to fraud, he leaves him without remedy in equity as he was in law. The assignments in the present case, therefore, if unfairly obtained, as seems to be admitted, are void in equity as they are in law. And they derive their nullity from the laws under which they were made, not from the new resolutions of Congress. These are not retrospective. They only direct their treasurer not to give validity to an assignment which had it not before, by payments to the assignee until he in whom the legal property still is, shall order it in such a form as to show he is apprized of the sum he is to part with, and its readiness to be paid into his or

any other hands, and that he chooses, notwithstanding, to acquiesce under the fraud which has been practised on him. In that case he has only to execute before two justices a power of attorney to the same person, expressing the specific sum of his demand, and it is to be complied with. Actual payment, in this case, is an important act. If made to the assignee, it would put the burthen of proof and process on the original owner. If made to that owner, it puts it on the assignee, who must then come forward and show that his transaction has been that of an honest man.

Government seems to be doing in this what every individual, I think, would feel himself bound to do in the case of his own debt. For, being free in the law, to pay to the one or the other, he would certainly give the advantage to the party who has suffered wrong rather than to him who has committed it.

It is not honorable to take a mere legal advantage, when it happens to be contrary to justice.

But it is honorable to embrace a salutary principle of law when a relinquishment of it is solicited only to support a fraud.

I think the resolutions, therefore, merit approbation. I have before professed my incompetence to say what are the laws of North Carolina on this subject. They, like Virginia, adopted the English laws in the gross. These laws forbid in general the buying and selling of debts, and their policy in this is so wise that I presume they had not changed it till the contrary be shown.

VII.—*Plan for establishing uniformity in the Coinage, Weights, and Measures of the United States. Communicated to the House of Representatives, July* 13, 1790.

NEW YORK, July 4, 1790.

SIR:—In obedience to the order of the House of Representatives of January 15th, I have now the honor to enclose you a report on the subject of measures, weights, and coins. The length of time which intervened between the date of the order and my arrival in this city, prevented my receiving it till the 15th of April; and an illness which followed soon after added, unavoidably, some

weeks to the delay; so that it was not till about the 20th May that I was able to finish the report. A desire to lessen the number of its imperfections induced me still to withhold it awhile, till, on the 15th of June, came to my hands, from Paris, a printed copy of a proposition made by the Bishop of Autun, to the National Assembly of France, on the subject of weights and measures; and three days afterwards I received, through the channel of the public papers, the speech of Sir John Riggs Miller, of April 13th, in the British House of Commons, on the same subject. In the report which I had prepared, and was then about to give in, I had proposed the latitude of 38°, as that which should fix our standard, because it was the medium latitude of the United States; but the proposition before the National Assembly of France, to take that of 45° as being a middle term between the equator and both poles, and a term which consequently might unite the nations of both hemispheres, appeared to me so well chosen, and so just, that I did not hesitate a moment to prefer it to that of 38°. It became necessary, of course, to conform all my calculations to that standard—an operation which has been retarded by my other occupations.

These circumstances will, I hope, apologize for the delay which has attended the execution of the order of the House; and, perhaps, a disposition on their part to have due regard for the proceedings of other nations, engaged on the same subject, may induce them still to defer deciding ultimately on it till their next session. Should this be the case, and should any new matter occur in the meantime, I shall think it my duty to communicate it to the House, as supplemental to the present report.

I have the honor to be, with sentiments of the most profound respect,
Sir, your most obedient and most humble servant.

The Secretary of State, to whom was referred, by the House of Representatives, to prepare and report a proper plan or plans for establishing uniformity in the currency, weights, and measures of the United States, in obedience thereto, makes the following report:—

To obtain uniformity in measures, weights, and coins, it is necessary to find some measure of invariable length, with which, as a standard, they may be compared.

There exists not in nature, as far as has been hitherto observed, a single subject or species of subject, accessible to man, which presents one constant and uniform dimension.

The globe of the earth itself, indeed, might be considered as invariable in all its dimensions, and that its circumference would furnish an invariable measure; but no one of its circles, great or small, is accessible to admeasurement through all its parts, and the various trials to measure definite portions of them, have been

of such various result as to show there is no dependence on that operation for certainty.

Matter, then, by its mere extension, furnishing nothing invariable, its motion is the only remaining resource.

The motion of the earth round its axis, though not absolutely uniform and invariable, may be considered as such for every human purpose. It is measured obviously, but unequally, by the departure of a given meridian from the sun, and its return to it, constituting a solar day. Throwing together the inequalities of solar days, a mean interval, or day, has been found, and divided, by very general consent, into 86,400 equal parts.

A pendulum, vibrating freely, in small and equal arcs, may be so adjusted in its length, as, by its vibrations, to make this division of the earth's motion into 86,400 equal parts, called seconds of mean time.

Such a pendulum, then, becomes itself a measure of determinate length, to which all others may be referred to as to a standard.

But even a pendulum is not without its uncertainties.

1. The difficulty of ascertaining, in practice, its centre of oscillation, as depending on the form of the bob, and its distance from the point of suspension; the effect of the weight of the suspending wire towards displacing the centre of oscillation; that centre being seated within the body of the bob, and therefore inaccessible to the measure, are sources of considerable uncertainty.

2. Both theory and experience prove that, to preserve its isochronism, it must be shorter towards the equator, and longer towards the poles.

3. The height of the situation above the common level, as being an increment to the radius of the earth, diminishes the length of the pendulum.

4. The pendulum being made of metal, as is best, it varies its length with the variations in the temperature of the atmosphere.

5. To continue small and equal vibrations, through a sufficient

length of time, and to count these vibrations, machinery and a power are necessary, which may exert a small but constant effort to renew the waste of motion; and the difficulty is so to apply these, as that they shall neither retard or accelerate the vibrations.

1. In order to avoid the uncertainties which respect the centre of oscillation, it has been proposed by Mr. Leslie, an ingenious artist of Philadelphia, to substitute, for the pendulum, a uniform cylindrical rod, without a bob.

Could the diameter of such a rod be infinitely small, the centre of oscillation would be exactly at two-thirds of the whole length, measured from the point of suspension. Giving it a diameter which shall render it sufficiently inflexible, the centre will be displaced, indeed; but, in a second rod not the (1) six hundred thousandth part of its length, and not the hundredth part as much as in a second pendulum with a spherical bob of proper diameter. This displacement is so infinitely minute, then, that we may consider the centre of oscillation, for all practical purposes, as residing at two-thirds of the length from the centre of suspension. The distance between these two centres might be easily and accurately ascertained in practice. But the whole rod is better for a standard than any portion of it, because sensibly defined at both its extremities.

2. The uncertainty arising from the difference of length requisite for the second pendulum, or the second rod, in different latitudes, may be avoided by fixing on some one latitude, to which our standard shall refer. That of 38°, as being the middle latitude of the United States, might seem the most convenient, were we to consider ourselves alone; but connected with other nations by commerce and science, it is better to fix on that parallel which bids fairest to be adopted by them also. The 45th, as being the middle term between the equator and pole, has been heretofore proposed in Europe, and the proposition has been lately renewed there under circumstances which may very possibly give it some effect. This parallel is distinguished with us also as forming our principal northern boundary. Let the completion of the 45th degree, then, give the standard for our union,

with the hope that it may become a line of union with the rest of the world.

The difference between the second rod for 45° of latitude, and that for 31°, our other extreme, is to be examined.

The second *pendulum* for 45° of latitude, according to Sir Isaac Newton's computation, must be of (2) 39.14912 inches English measure; and a *rod*, to vibrate in the same time, must be of the same length between the centres of suspension and oscillation; and, consequently, its whole length 58.7 (or, more exactly, 58.72368) inches. This is longer than the rod which shall vibrate seconds in the 31° of latitude, by about $\frac{1}{178}$ part of its whole length; a difference so minute, that it might be neglected, as insensible, for the common purposes of life, but, in cases requiring perfect exactness, the second rod, found by trial of its vibrations in any part of the United States, may be corrected by computation for the (3) latitude of the place, and so brought exactly to the standard of 45°.

3. By making the experiment in the level of the ocean, the difference will be avoided, which a higher position might occasion.

4. The expansion and contraction of the rod with the change of temperature, is the fourth source of uncertainty before mentioned. According to the high authority so often quoted, an iron rod, of given length, may vary, between summer and winter, in temperate latitudes, and in the common exposure of house clocks, from $\frac{1}{1178}$ to $\frac{1}{830}$ of its whole length, which, in a rod of 58.7 inches, will be from about two to three hundredths of an inch. This may be avoided by adjusting and preserving the standard in a cellar, or other place, the temperature of which never varies. Iron is named for this purpose, because the least expansible of the metals.

5. The practical difficulty resulting from the effect of the machinery and moving power is very inconsiderable in the present state of the arts; and, in their progress towards perfection, will become less and less. To estimate and obviate this, will be the artist's province. It is as nothing when compared with the sources of inaccuracy hitherto attending measures.

Before quitting the subject of the inconveniences, some of which attend the pendulum alone, others both the pendulum and rod, it must be added that the rod would have an accidental but very precious advantage over the pendulum in this country, in the event of our fixing the foot at the nearest aliquot part of either; for the difference between the common foot, and those so to be deduced, would be three times greater in the case of the pendulum than in that of the rod.

Let the standard of measure, then, be a uniform cylindrical rod of iron, of such length as, in latitude 45°, in the level of the ocean, and in a cellar, or other place, the temperature of which does not vary through the year, shall perform its vibrations in small and equal arcs, in one second of mean time.

A standard of invariable length being thus obtained, we may proceed to identify, by that, the measures, weights and coins of the United States; but here a doubt presents itself as to the extent of the reformation meditated by the House of Representatives. The experiment made by Congress in the year one thousand seven hundred and eighty-six, by declaring that there should be one money of account and payment through the United States, and that its parts and multiples should be in a decimal ratio,* has obtained such general approbation, both at home and abroad, that nothing seems wanting but the actual coinage, to banish the discordant pounds, shillings, pence, and farthings of the different States, and to establish in their stead the new denominations. Is it in contemplation with the House of Representatives to extend a like improvement to our measures and weights, and to arrange them also in a decimal ratio? The facility which this would introduce into the vulgar arithmetic would, unquestionably, be soon and sensibly felt by the whole mass of the people, who would thereby be enabled to compute for themselves whatever they should have occasion to buy, to sell, or to measure, which the present complicated and difficult ratios place beyond their computation for the most part. Or, is it the opinion of the Representatives that the difficulty of changing the established habits of a whole nation opposes an insupera-

* See Vol. I. p. 162.

ble bar to this improvement? Under this uncertainty, the Secretary of State thinks it his duty to submit alternative plans, that the House may, at their will, adopt either the one or the other, exclusively, or the one for the present and the other for a future time, when the public mind may be supposed to have become familiarized to it.

I. And first, on the supposition that the present measures and weights are to be retained but to be rendered uniform and invariable, by bringing them to the same invariable standard.

The first settlers of these States, having come chiefly from England, brought with them the measures and weights of that country. These alone are generally established among us, either by law or usage; and these, therefore, are alone to be retained and fixed. We must resort to that country for information of what they are, or ought to be.

This rests, principally, on the evidence of certain standard measures and weights, which have been preserved, of long time, in different deposits. But differences among these having been known to exist, the House of Commons, in the years 1757 and 1758, appointed committees to inquire into the original standards of their weights and measures. These committees, assisted by able mathematicians and artists, examined and compared with each other the several standard measures and weights, and made reports on them in the years 1758 and 1759. The circumstances under which these reports were made entitle them to be considered, as far as they go, as the best written testimony existing of the standard measures and weights of England; and as such, they will be relied on in the progress of this report.

MEASURES OF LENGTH.

The measures of length in use among us are:

The league of 3 miles,
The mile of 8 furlongs,
The furlong of 40 poles or perches,
The pole or perch of 5½ yards,
The fathom of 2 yards,
The ell of a yard and quarter,
The yard of 3 feet,
The foot of 12 inches, and
The inch of 10 lines.

On this branch of their subject, the committee of 1757–1758, says that the standard measures of length at the receipt of the exchequer, are a yard, supposed to be of the time of Henry VII., and a yard and ell supposed to have been made about the year 1601; that they are brass rods, very coarsely made, their divisions not exact, and the rods bent; and that in the year 1742, some members of the Royal Society had been at great pains in taking an exact measure of these standards, by very curious instruments, prepared by the ingenious Mr. Graham; that the Royal Society had had a brass rod made pursuant to their experiments, which was made so accurately, and by persons so skilful and exact, that it was thought not easy to obtain a more exact one; and the committee, in fact, found it to agree with the standards at the exchequer, as near as it was possible. They furnish no means, to persons at a distance, of knowing what this standard is. This, however, is supplied by the evidence of the second pendulum, which, according to the authority before quoted, is, at London, 39.1682 English inches, and, consequently, the second rod there is of 58.7523 of the same inches. When we shall have found, then, by actual trial, the second rod for 45° by adding the difference of their computed length, to wit: $\frac{2}{10}\frac{8}{0}\frac{7}{0}$ of an inch, or rather $\frac{3}{10}$ of a line (which in practice will endanger less error than an attempt at so minute a fraction as the ten thousandth parts of an inch) we shall have the second rod of London, or a true measure of 58¾ English inches. Or, to shorten the operation, without varying the result,

Let the standard rod of 45° be divided into 587½ equal parts, and let each of these parts be declared a line.

10 lines an inch,	5½ yards a perch or pole,
12 inches a foot,	40 poles or perches a furlong,
3 feet a yard,	8 furlongs a mile,
3 feet 9 inches an ell,	3 miles a league.
6 feet a fathom,	

SUPERFICIAL MEASURES.

Our measures of surface are, the acre of 4 roods and the rood

of 40 square poles; so established by a statute of 33 Edw. 1. Let them remain the same.

MEASURES OF CAPACITY.

The measures of capacity in use among us are of the following names and proportions:

The gill, four of which make a pint.

Two pints make a quart.

Two quarts a pottle.

Two pottles a gallon.

Two gallons a peck, dry measure.

Eight gallons make a measure called a firkin, in liquid substances, and a bushel, dry.

Two firkins, or bushels, make a measure called a rundlet or kilderkin, liquid, and a strike, dry.

Two kilderkins, or strikes, make a measure called a barrel, liquid, and a coomb, dry; this last term being ancient and little used.

Two barrels, or coombs, make a measure called a hogshead, liquid, or a quarter, dry; each being the quarter of a ton.

A hogshead and a third make a tierce, or third of a ton.

Two hogsheads make a pipe, butt, or puncheon; and

Two pipes make a ton.

But no one of these measures is of a determinate capacity. The report of the committee of 1757–8, shows that the gallon is of very various content; and that being the unit, all the others must vary with it.

The gallon and bushel contain—

224 and 1792 cubic inches, according to the standard wine gallon preserved at Guildhall.

231 and 1848, according to the statute of 5th of Anne.

264.8 and 2118.4, according to the ancient Rumford quart, of 1228, examined by the committee.

265.5 and 2124, according to three standard bushels preserved in the Exchequer, to wit: one of Henry VII., without a rim; one dated 1091, supposed for 1591, or 1601, and one dated 1601.

266.25 and 2130, according to the ancient Rumford gallon of 1228, examined by the committee.

268.75 and 2150, according to the Winchester bushel, as declared by statute 13, 14, William III., which has been the model for some of the grain States.

271, less 2 spoonfuls, and 2168, less 16 spoonfuls, according to a standard gallon of Henry VII., and another dated 1601, marked E. E., both in the Exchequer.

271 and 2168, according to a standard gallon in the Exchequer, dated 1601, marked E., and called the corn gallon.

272 and 2176, according to the three standard corn gallons last mentioned, as measured in 1688, by an artist for the Commissioners of the Excise, generally used in the seaport towns, and by mercantile people, and thence introduced into some of the grain States.

277.18 and 2217.44, as established for the measure of coal by the statute 12 Anne.

278 and 2224, according to the standard bushel of Henry VII., with a copper rim, in the Exchequer.

278.4 and 2227.2 according to two standard pints of 1601 and 1602, in the Exchequer.

280 and 2240, according to the standard quart of 1601, in the Exchequer.

282 and 2256, according to the standard gallon for beer and ale in the Treasury.

There are, moreover, varieties on these varieties, from the barrel to the ton, inclusive; for, if the barrel be of herrings, it must contain 28 gallons by the statute 13 Eliz. c. 11. If of wine, it must contain 31½ gallons by the statute 2 Henry VI. c. 11, and 1 Rich. III. c. 15. If of beer or ale, it must contain 34 gallons by the statute 1 William and Mary, c. 24, and the higher measures in proportion.

In those of the United States which have not adopted the statutes of William and Mary, and of Anne before cited, nor their substance, the wine gallon of 231 cubic inches rests on the au-

thority of very long usage, before the 5th of Anne, the origin and foundation of which are unknown; the bushel is the Winchester bushel, by the 11 Henry VII. undefined; and the barrel of ale 32 gallons, and of beer 36 gallons, by the statute 23 Henry VIII. c. 4.

The Secretary of State is not informed whether there have been any, and what, alterations of these measures by the laws of the particular States.

It is proposed to retain this series of measures, but to fix the gallon to one determinate capacity, as the unit of measure, both wet and dry; for convenience is in favor of abolishing the distinction between wet and dry measures.

The wine gallon, whether of 224 or 231 cubic inches, may be altogether disregarded, as concerning, principally, the mercantile and the wealthy, the least numerous part of the society, and the most capable of reducing one measure to another by calculation. This gallon is little used among the mass of farmers, whose chief habits and interests are in the size of the corn bushel.

Of the standard measures before stated, two are principally distinguished in authority and practice. The statute bushel of 2150 cubic inches, which gives a gallon of 268.75 cubic inches, and the standard gallon of 1601, called the corn gallon of 271 or 272 cubic inches, which has introduced the mercantile bushel of 2276 inches. The former of these is most used in some of the grain States, the latter in others. The middle term of 270 cubic inches may be taken as a mutual compromise of convenience, and as offering this general advantage: that the bushel being of 2160 cubic inches, is exactly a cubic foot and a quarter, and so facilitates the conversion of wet and dry measures into solid contents and tonnage, and simplifies the connection of measures and weights, as will be shown hereafter. It may be added, in favor of this, as a medium measure, that eight of the standard, or statute measures before enumerated, are below this term, and nine above it.

The measures to be made for use, being four sided, with rectangular sides and bottom.

The pint will be 3 inches square, and $3\frac{3}{4}$ inches deep;
The quart 3 inches square, and $7\frac{1}{2}$ inches deep;
The pottle 3 inches square, and 15 inches deep, or $4\frac{1}{2}$, 5, and 6 inches.
The gallon 6 inches square, and $7\frac{1}{2}$ inches deep, or 5, 6, and 9 inches;
The peck 6, 9, and 10 inches;
The half bushel 12 inches square, and $7\frac{1}{2}$ inches deep; and
The bushel 12 inches square, and 15 inches deep, or 9, 15, and 16 inches.

Cylindrical measures have the advantage of superior strength, but square ones have the greater advantage of enabling every one who has a rule in his pocket, to verify their contents by measuring them. Moreover, till the circle can be squared, the cylinder cannot be cubed, nor its contents exactly expressed in figures.

Let the measures of capacity, then, for the United States be-
A gallon of 270 cubic inches;
The gallon to contain 2 pottles;
The pottle 2 quarts;
The quart 2 pints;
The pint 4 gills;
Two gallons to make a peck;
Eight gallons a bushel or firkin;
Two bushels, or firkin, a strike or kilderkin;
Two strikes, or kilderkins, a coomb or barrel;
Two coombs, or barrels, a quarter or hogshead;
A hogshead and a third one tierce;
Two hogsheads a pipe, butt, or puncheon; and
Two pipes a ton.
And let all measures of capacity of dry subjects be stricken with a straight strike.

WEIGHTS.

There are two series of weights in use among us; the one called avoirdupois, the other troy.

In the Avoirdupois series:

The pound is divided into 16 ounces;
The ounce into 16 drachms;
The drachm into 4 quarters.

In the Troy series:

The pound is divided into 12 ounces;
The ounce (according to the subdivision of the apothecaries) into 8 drachms;
The drachm into 3 scruples;
The scruple into 20 grains.

According to the subdivision for gold and silver, the ounce is divided into twenty pennyweights, and the pennyweight into twenty-four grains.

So that the pound troy contains 5760 grains, of which 7000 are requisite to make the pound avoirdupois; of course the weight of the pound troy is to that of the pound avoirdupois as 5760 to 7000, or as 144 to 175.

It is remarkable that this is exactly the proportion of the ancient liquid gallon of Guildhall of 224 cubic inches, to the corn gallon of 272; for 224 are to 272 as 144 to 175. (4.)

It is further remarkable still, that this is also the exact proportion between the specific weight of any measure of wheat, and of the same measure of water: for the statute bushel is of 64 pounds of wheat. Now as 144 to 175, so are 64 pounds to 77.7 pounds; but 77.7 pounds is known to be the weight of (5.) 2150.4 cubic inches of pure water, which is exactly the content of the Winchester bushel, as declared by the statute 13, 14, Will. 3. That statute determined the bushel to be a cylinder of 18½ inches diameter, and 8 inches depth. Such a cylinder, as nearly as it can be cubed, and expressed in figures, contains 2150.425 cubic inches; a result which reflects authority on the declaration of Parliament, and induces a favorable opinion of the care with which they investigated the contents of the ancient bushel, and also a belief that there might exist evidence of it at that day, unknown to the committees of 1758 and 1759.

We find, then, in a continued proportion 64 to 77.7 as 224 to 272, and as 144 to 175, that is to say, the specific weight of a measure of wheat, to that of the same measure of water, as the cubic contents of the wet gallon, to those of the dry; and as the weight of a pound troy to that of a pound avoirdupois.

This seems to have been so combined as to render it indifferent whether a thing were dealt out by weight or measure; for the dry gallon of wheat, and the liquid one of wine, were of the same weight; and the avoirdupois pound of wheat, and the troy pound of wine, were of the same measure. Water and the vinous liquors, which enter most into commerce, are so nearly of a weight, that the difference, in moderate quantities, would be neglected by both buyer and seller; some of the wines being a little heavier, and some a little lighter, than water.

Another remarkable correspondence is that between weights and measures. For 1000 ounces avoirdupois of pure water fill a cubic foot, with mathematical exactness.

What circumstances of the times, or purposes of barter or commerce, called for this combination of weights and measures, with the subjects to be exchanged or purchased, are not now to be ascertained. But a triple set of exact proportionals representing weights, measures, and the things to be weighed and measured, and a relation so integral between weights and solid measures, must have been the result of design and scientific calculation, and not a mere coincidence of hazard. It proves that the dry and wet measures, the heavy and light weights, must have been original parts of the system they compose—contrary to the opinion of the committee of 1757, 1758, who thought that the avoirdupois weight was not an ancient weight of the kingdom, nor ever even a legal weight, but during a single year of the reign of Henry VIII.; and, therefore, concluded, otherwise than will be here proposed, to suppress it altogether. Their opinion was founded chiefly on the silence of the laws as to this weight. But the harmony here developed in the system of weights and measures, of which the avoirdupois makes an essential member, corroborated by a general use, from very high antiquity, of that,

or of a nearly similar weight under another (6.) name, seem stronger proofs that this is legal weight, than the mere silence of the written laws is of the contrary.

Be this as it may, it is in such general use with us, that, on the principle of popular convenience, its higher denominations, at least, must be preserved. It is by the avoirdupois pound and ounce that our citizens have been used to buy and sell. But the smaller subdivisions of drachms and quarters are not in use with them. On the other hand, they have been used to weigh their money and medicine with the pennyweights and grains troy weight, and are not in the habit of using the pounds and ounces of that series. It would be for their convenience, then, to suppress the pound and ounce troy, and the drachm and quarter avoirdupois; and to form into one series the avoirdupois pound and ounce, and the troy pennyweight and grain. The avoirdupois ounce contains 18 pennyweights 5½ grains troy weight. Divide it, then, into 18 pennyweights, and the pennyweight, as heretofore, into 24 grains, and the new pennyweight will contain between a third and a quarter of a grain more than the present troy pennyweight; or, more accurately, it will be to that as 875 to 864—a difference not to be noticed, either in money or medicine, below the denomination of an ounce.

But it will be necessary to refer these weights to a determinate mass of some substance, the specific gravity of which is invariable. Rain water is such a substance, and may be referred to everywhere, and through all time. It has been found by accurate experiments that a cubic foot of rain water weighs 1000 ounces avoirdupois, standard weights of the exchequer. It is true that among these standard weights the committee report small variations; but this experiment must decide in favor of those particular weights, between which, and an integral mass of water, so remarkable a coincidence has been found. To render this standard more exact, the water should be weighed always in the same temperature of air; as heat, by increasing its volume, lessens its specific gravity. The cellar of uniform temperature is best for this also.

Let it, then, be established that an ounce is of the weight of a cube of rain water, of one-tenth of a foot; or, rather, that it is the thousandth part of the weight of a cubic foot of rain water, weighed in the standard temperature; that the series of weights of the United States shall consist of pounds, ounces, pennyweights, and grains; whereof

24 grains shall be one pennyweight;
18 pennyweights one ounce;
16 ounces one pound.

COINS.

Congress, in 1786, established the money unit at 375.64 troy grains of pure silver. It is proposed to enlarge this by about the third of a grain in weight, or a mill in value; that is to say, to establish it at 376 (or, more exactly, 375.989343) instead of 375.64 grains; because it will be shown that this, as the unit of coin, will link in system with the units of length, surface, capacity, and weight, whenever it shall be thought proper to extend the decimal ratio through all these branches. It is to preserve the possibility of doing this, that this very minute alteration is proposed.

We have this proportion, then, 875 to 864, as 375.989343 grains troy to 371.2626277; the expression of the unit in the new grains.

Let it be declared, therefore, that the money unit, or dollar of the United States, shall contain 371.262 American grains of pure silver.

If nothing more, then, is proposed, than to render uniform and stable the system we already possess, this may be effected on the plan herein detailed; the sum of which is: 1st. That the present measures of length be retained, and fixed by an invariable standard. 2d. That the measures of surface remain as they are, and be invariable also as the measures of length to which they are to refer. 3d. That the unit of capacity, now so equivocal, be settled at a medium and convenient term, and defined by the same invariable measures of length. 4th. That the more known terms in the two kinds of weights be retained, and reduced tc

one series, and that they be referred to a definite mass of some substance, the specific gravity of which never changes. And 5th. That the quantity of pure silver in the money unit be expressed in parts of the weights so defined.

In the whole of this no change is proposed, except an insensible one in the troy grain and pennyweight, and the very minute one in the money unit.

II. But if it be thought that, either now, or at any future time, the citizens of the United States may be induced to undertake a thorough reformation of their whole system of measures, weights and coins, reducing every branch to the same decimal ratio already established in their coins, and thus bringing the calculation of the principal affairs of life within the arithmetic of every man who can multiply and divide plain numbers, greater changes will be necessary.

The unit of measure is still that which must give law through the whole system; and from whatever unit we set out, the coincidences between the old and new ratios will be rare. All that can be done, will be to choose such a unit as will produce the most of these. In this respect the second rod has been found, on trial, to be far preferable to the second pendulum.

MEASURES OF LENGTH.

Let the second rod, then, as before described, be the standard of measure; and let it be divided into five equal parts, each of which shall be called a foot; for, perhaps, it may be better generally to retain the name of the nearest present measure, where there is one tolerably near. It will be about one quarter of an inch shorter than the present foot.

Let the foot be divided into 10 inches;	Let 10 feet make a decad;
	10 decads one rood;
The inch into 10 lines;	10 roods a furlong;
The line into 10 points;	10 furlongs a mile.

SUPERFICIAL MEASURES.

Superficial measures have been estimated, and so may continue to be, in squares of the measures of length, except in the

case of lands, which have been estimated by squares, called roods and acres. Let the rood be equal to a square, every side of which is 100 feet. This will be 6.483 English feet less than the English (7.) rood every way, and 1311 square feet less in its whole contents; that is to say, about one-eighth; in which proportion, also, 4 roods will be less than the present acre.

MEASURES OF CAPACITY.

Let the unit of capacity be the cubic foot, to be called a bushel. It will contain 1620.05506862 cubic inches, English; be about one-fourth less than that before proposed to be adopted as a medium; one-tenth less than the bushel made from 8 of the Guildhall gallons; and one-fourteenth less than the bushel made from 8 Irish gallons of 217.6 cubic inches.

Let the bushel be divided into 10 pottles;
Each pottle into 10 demi-pints;
Each demi-pint into 10 metres, which will be of a cubic inch each.
Let 10 bushels be a quarter, and
10 quarters a last, or double ton.

The measures for use being four-sided, and the sides and bottoms rectangular, the bushel will be a foot cube.

The pottle 5 inches square and four inches deep;
The demi-pint 2 inches square, and 2½ inches deep;
The metre, an inch cube.

WEIGHTS.

Let the weight of a cubic inch of rain water, or the thousandth part of a cubic foot, be called an ounce; and let the ounce be divided into 10 double scruples:

The double scruple into 10 carats;
The carat into 10 minims or demi-grains;
The minim into 10 mites.
Let 10 ounces make a pound;
10 pounds a stone;
16 stones a kental;
10 kentals a hogshead.

COINS.

Let the money unit, or dollar, contain eleventh-twelfths of an ounce of pure silver. This will be 376 troy grains, (or more exactly, 375.989343 troy grains,) which will be about a third of a grain, (or more exactly, .349343 of a grain, more than the present unit. This, with the twelfth of alloy already established, will make the dollar or unit, of the weight of an ounce, or of a cubic inch of rain water, exactly. The series of mills, cents, dimes, dollars, and eagles, to remain as already established (8.)

The second rod, or the second pendulum, expressed in the measures of other countries, will give the proportion between their measures and those of the United States.

Measures, weights and coins, thus referred to standards unchangeable in their nature, (as is the length of a rod vibrating seconds, and the weight of a definite mass of rain water,) will themselves be unchangeable. These standards, too, are such as to be accessible to all persons, in all times and places. The measures and weights derived from them fall in so nearly with some of those now in use, as to facilitate their introduction; and being arranged in decimal ratio, they are within the calculation of every one who possesses the first elements of arithmetic, and of easy comparison, both for foreigners and citizens, with the measures, weights, and coins of other countries.

A gradual introduction would lessen the inconveniences which might attend too sudden a substitution, even of an easier for a more difficult system. After a given term, for instance, it might begin in the custom-houses, where the merchants would become familiarized to it. After a further term, it might be introduced into all legal proceedings, and merchants and traders in foreign commodities might be required to use it in their dealings with one another. After a still further term, all other descriptions of people might receive it into common use. Too long a postponement, on the other hand, would increase the difficulties of its reception with the increase of our population.

Appendix, containing illustrations and developments of some passages of the preceding report.

(1.) In the second pendulum with a spherical bob, call the distance between the centres of suspension and of the bob, 2×19.575, or 2d, and the radius of the bob$=r$; then 2d : r :: r : $\frac{r}{2d}$ and $\frac{2}{5}$ of this last proportional expresses the displacement of the centre of oscillation, to wit: $\frac{2rr}{5\times2d}=\frac{rr}{5d}$. Two inches have been proposed as a proper diameter for such a bob. In that case r will be$=1$. inch, and $\frac{r}{5d}=\frac{1}{9787}$ inches.

In the cylindrical second rod, call the length of the rod, 3×19.575. or 3d, and its radius$=r$ and $\frac{rr}{2\times3d}=\frac{r}{6d}$ will express the displacement of the centre of oscillation. It is thought the rod will be sufficiently inflexible if it be $\frac{1}{5}$ of an inch in diameter. Then r will be$=.1$ inch, and $\frac{r}{6d}=\frac{1}{11745}$ inches, which is but the 120th part of the displacement in the case of the pendulum with a spherical bob, and but the 689,710th part of the whole length of the rod. If the rod be even of half an inch diameter, the displacement will be but $\frac{1}{1879}$ of an inch, or $\frac{1}{110356}$ of the length of the rod.

(2.) Sir Isaac Newton computes the pendulum for 45° to be 36 pouces 8.428 lignes. Picard made the English foot 11 pouces 2.6 lignes, and Dr. Maskelyne 11 pouces 3.11 lignes. D'Alembert states it at 11 pouces 3 lignes, which has been used in these calculations as a middle term, and gives us 36 pouces 8.428 lignes $=39.1491$ inches. This length for the pendulum of 45° had been adopted in this report before the Bishop of Autun's proposition was known here. He relies on Mairan's ratio for the length of the pendulum in the latitude of Paris, to wit: 504 : 257 :: 72 pouces to a 4th proportional, which will be 36.71428 pouces 39.1619 inches, the length of the pendulum for latitude 48° 50'. The difference between this and the pendulum for 45° is .0113 of an inch; so that the pendulum for 45° would be estimated, according to Mairan, at 39.1619—.0113$=$39.1506 inches, almost precisely the same with Newton's computation herein adopted.

(3.) Sir Isaac Newton's computations for the different degrees of latitude, from 30° to 45°, are as follows:

	Pieds.	Lignes.		Pieds.	Lignes.
30°	3	7.948	42°	3	8.327
35	3	8.099	43	3	8.361
40	3	8.261	44	3	8.394
41	3	8.294	45	3	8.428

(4.) Or, more exactly, 144 : 175::224 : 272.2.

(5.) Or, more exactly, 62.5 : 1728::77.7 : 2150.39.

(6.) The merchant's weight.

(7.) The Eng. rood contains 10,890 sq. feet=104.355 feet sq.

(8.) *The Measures, Weights, and Coins of the Decimal System, estimated in those of England, now used in the United States.*

1. MEASURES OF LENGTH.

	Feet.	Equivalent in English measure.
The point,	.001	.011 inch.
The line,	.01	.117
The inch,	.1	1.174, about $\frac{1}{4}$ more than the Eng. inch.
The foot,	1.	11.744736 about $\frac{1}{4\frac{1}{8}}$ less than the .978728 feet, English foot.
The decad,	10.	9.787, about $\frac{1}{4\frac{1}{8}}$ less than the 10 feet rod of the carpenters.
The rood,	100.	97.872, about $\frac{1}{1\frac{1}{6}}$ less than the side of an English square rood.
The furlong,	1000.	978.728, about $\frac{1}{3}$ more than the Eng. fur.
The mile,	10000.	9787.28, about $1\frac{4}{7}$ English mile, nearly the Scotch and Irish mile, and $\frac{1}{2}$ the German mile.

2. SUPERFICIAL MEASURE.

	Roods.	
The hundredth,	.01	95.69 square feet English.
The tenth,	.1	957.9
The rood,	1.	9579.085
The double acre,	10.	2.199, or say 2.2 acres English.
The square furlong,	100.	22.

3. MEASURE OF CAPACITY.

	Bushels.	Cub. Inches.
The metre,	.001	1.62
The demi-pint,	.01	16.2, about $\frac{1}{21}$ less than the English half-pint.
The pottle,	.1	162.005, about $\frac{1}{6}$ more than the English pottle.
The bushel,	1.	1620.05506862 .937531868414884352 cub feet.
	about $\frac{1}{4}$ less than the middle sized English bushel.	
The quarter,	10.	9.375, about $\frac{1}{3}$ less that the Eng. qr.
The last,	100.	93.753, about $\frac{1}{4}$ more than the Eng. last.

4. WEIGHTS.

	Pounds.	Avoirdupois.	Troy.
Mite,	.00001	. . . . .	.041 grains, about $\frac{1}{3}$ less than the English mite.
Minim, or demi-grain,	.0001	. . . . .	.4101, about $\frac{1}{3}$ less than half-grain troy.
Carat,	.001	. . . . .	.4101, about $\frac{1}{4}\frac{1}{5}$ more than the carat troy.
Double scruple,	.01	. . . . .	41.017, about $\frac{1}{4}\frac{1}{5}$ more than 2 scruples troy.
Ounce,	.1	9375318684148 84352 oz.	410.170192431 .85452 oz.
	about $\frac{1}{7}\frac{1}{6}$ less than the ounce avoirdupois.		
Pound,	1.	9.375 .585957417759 lb.	.712101 lb., about $\frac{1}{4}$ less than the pound troy.
Stone,	10.	93.753 oz. 5.8595 lb.	7.121 about $\frac{1}{4}$ less than the English stone of 8 lbs. avoidupois.
Kental,	100.	937.531 oz. 58.5957 lb.	71.21 about $\frac{4}{7}\frac{4}{6}$ less than the English kental of 100 lbs. avoirdupois.
Hogshead,	1000.	9375.318 oz. 585.9574 lb.	712.101

5. COINS.

	Dollars.			Troy grains
The mill,	.001	Dollar,	1.	375.98934306 pure silver.
The cent,	.01			34.18084937 alloy.
The dime,	.1	Eagle,	10.	410.17019243

Postscript.

January 10, 1791.

It is scarcely necessary to observe that the measures, weights, and coins, proposed in the preceding report, will be derived altogether from mechanical operations, viz.: A rod, vibrating seconds, divided into five equal parts, one of these subdivided, and multiplied decimally, for every measure of length, surface, and capacity, and these last filled with water, to determine the weights and coins. The arithmetical estimates in the report were intended only to give an idea of what the new measures, weights, and coins, would be nearly, when compared with the old. The length of the standard or second rod, therefore, was assumed from that of the pendulum; and as there has been small differences in the estimates of the pendulum by different persons, that of Sir Isaac Newton was taken, the highest authority the world has yet known. But, if even he has erred, the measures, weights, and coins proposed, will not be an atom the more or less. In cubing the new foot, which was estimated at .978728 of an English foot, or 11.744736 English inches, an arithmetical error of an unit happened in the fourth column of decimals, and was repeated in another line in the sixth column, so as to make the result one ten thousandth and one millionth of a foot too much. The thousandth part of this error (about one ten millionth of a foot) consequently fell on the metre of measure, the ounce weight, and the unit of money. In the last it made a difference of about the twenty-fifth part of a grain Troy, in weight, or the ninety-third of a cent in value. As it happened, this error was on the favorable side, so that the detection of it approximates our estimate of the new unit exactly that much nearer to the old, and reduces the difference between them to 34, instead of 38

hundredths of a grain Troy; that is to say, the money unit instead of 375.64 Troy grains of pure silver, as established heretofore, will now be 375.98934306 grains, as far as our knowledge of the length of the second pendulum enables us to judge; and the current of authorities since Sir Isaac Newton's time, gives reason to believe that his estimate is more probably above than below the truth, consequently future corrections of it will bring the estimate of the new unit still nearer to the old.

The numbers in which the arithmetical error before mentioned showed itself in the table, at the end of the report, have been rectified, and the table re-printed.

The head of superficial measures in the last part of the report, it thought to be not sufficiently developed. It is proposed that the rood of land, being 100 feet square, (and nearly a quarter of the present acre,) shall be the unit of land measure. This will naturally be divided into tenths and hundredths, the latter of which will be a square decad. Its multiples will also, of course, be tens, which may be called double acres, and hundreds, which will be equal to a square furlong each. The surveyor's chain should be composed of 100 links of one foot each.

VIII.—*Opinion upon the question whether the President should veto the Bill, declaring that the seat of government shall be transferred to the Potomac, in the year* 1790.

July 15, 1790.

A bill having passed both houses of Congress, and being now before the President, declaring that the seat of the federal government shall be transferred to the Potomac in the year 1790, that the session of Congress next ensuing the present shall be held in Philadelphia, to which place the offices shall be transferred before the 1st of December next, a writer in a public paper of July 13, has urged on the consideration of the President, that the constitution has given to the two houses of Congress the exclusive right to adjourn themselves; that the will of

the President mixed with theirs in a decision of this kind, would be an inoperative ingredient, repugnant to the constitution, and that he ought not to permit them to part, in a single instance, with their constitutional rights; consequently, that he ought to negative the bill.

That is now to be considered.

Every man, and every body of men on earth, possesses the right of self-government. They receive it with their being from the hand of nature. Individuals exercise it by their single will; collections of men by that of their majority; for the law of the *majority* is the natural law of every society of men. When a certain description of men are to transact together a particular business, the times and places of their meeting and separating, depend on their own will; they make a part of the natural right of self-government. This, like all other natural rights, may be abridged or modified in its exercise by their own consent, or by the law of those who depute them, if they meet in the right of others; but as far as it is not abridged or modified, they retain it as a natural right, and may exercise them in what form they please, either exclusively by themselves, or in association with others, or by others altogether, as they shall agree.

Each house of Congress possesses this natural right of governing itself, and, consequently, of fixing its own times and places of meeting, so far as it has not been abridged by the law of those who employ them, that is to say, by the Constitution. This act manifestly considers them as possessing this right of course, and therefore has nowhere given it to them. In the several different passages where it touches this right, it treats it as an existing thing, not as one called into existence by them. To evince this, every passage of the constitution shall be quoted, where the right of adjournment is touched; and it will be seen that no one of them pretends to give that right; that, on the contrary, every one is evidently introduced either to enlarge the right where it would be too narrow, to restrain it where, in its natural and full exercise, it might be too large, and lead to inconvenience, to defend it from the latitude of its own phrases, where

these were not meant to comprehend it, or to provide for its exercise by others, when they cannot exercise it themselves.

"A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members." Art. 1, Sec. 5. A majority of every collection of men being naturally necessary to constitute its will, and it being frequently to happen that a majority is not assembled, it was necessary to enlarge the natural right by giving to "a smaller number than a majority" a right to compel the attendance of the absent members, and, in the meantime, to adjourn from day to day. This clause, then, does not pretend to give to a majority a right which it knew that majority would have of themselves, but to a number *less than a majority*, a right to which it knew that lesser number could not have of themselves.

"Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting." Ibid. Each house exercising separately its natural right to meet when and where it should think best, it might happen that the two houses would separate either in time or place, which would be inconvenient. It was necessary, therefore, to keep them together by restraining their natural right of deciding on separate times and places, and by requiring a concurrence of will.

But, as it might happen that obstinacy, or a difference of object, might prevent this concurrence, it goes on to take from them, in that instance, the right of adjournment altogether, and to transfer it to another, by declaring, Art. 2, Sec. 3, that "in case of disagreement between the two houses, with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper."

These clauses, then, do not import a gift, to the two houses, of a general right of adjournment, which it was known they would have without that gift, but to restrain or abrogate the right it was known they would have, in an instance where, exercised in

its full extent, it might lead to inconvenience, and to give that right to another who would not naturally have had it. It also gives to the President a right, which he otherwise would not have had, "to convene both houses, or either of them, on extraordinary occasions." Thus substituting the will of another, where they are not in a situation to exercise their own.

"Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President for his approbation, &c." Art. 1, Sec. 7. The latitude of the general words here used would have subjected the natural right of adjournment of the two houses to the will of the President, which was not intended. They therefore expressly "except questions of adjournment" out of their operation. They do not here give a right of adjournment, which it was known would exist without their gift, but they defend the existing right against the latitude of their own phrases, in a case where there was no good reason to abridge it. The exception admits they will have the right of adjournment, without pointing out the source from which they will derive it.

These are all the passages of the constitution (one only excepted, which shall be presently cited) where the right of adjournment is touched; and it is evident that none of these are introduced to give that right; but every one supposes it to be existing, and provides some specific modification for cases where either a defeat in the natural right, or a too full use of it, would occasion inconvenience.

The right of adjournment, then, is not given by the constitution, and consequently it may be modified by law without interfering with that instrument. It is a natural right, and, like all other natural rights, may be abriged or regulated in its exercise by law; and the concurrence of the third branch in any law regulating its exercise is so efficient an ingredient in that law, that the right cannot be otherwise exercised but after a repeal by a new law. The express terms of the constitution itself show that this right may be modified *by law*, when, in Art. 1, Sec. 4.

(the only remaining passage on the subject not yet quoted) it says, "The Congress shall assemble at least once in every year, and such meeting shall be the first Monday in December, unless they shall, *by law*, appoint a different day." Then another day may be appointed *by law;* and the President's assent is an efficient ingredient in that law. Nay further, they cannot adjourn over the first Monday of December but by *a law*. This is another constitutional abridgment of their natural right of adjournment; and completing our review of all the clauses in the constitution which touch that right, authorizes us to say no part of that instrument gives it; and that the houses hold it, not from the constitution, but from nature.

A consequence of this is, that the houses may, by a joint resolution, remove themselves from place to place, because it is a part of their right of self-government; but that as the right of self-government does not comprehend the government of others, the two houses cannot, by a joint resolution of their majorities only, remove the executive and judiciary from place to place. These branches possessing also the rights of self-government from nature, cannot be controlled in the exercise of them but by a law, passed in the forms of the constitution. The clause of the bill in question, therefore, was necessary to be put into the form of a law, and to be submitted to the President, so far as it proposes to effect the removal of the Executive and Judiciary to Philadelphia. So far as respects the removal of the present houses of legislation thither, it was not necessary to be submitted to the President; but such a submission is not repugnant to the constitution. On the contrary, if he concurs, it will so far fix the next session of Congress at Philadelphia that it cannot be changed but by a regular law.

The sense of Congress itself is always respectable authority. It has been given very remarkably on the present subject. The address to the President in the paper of the 13th is a complete digest of all the arguments urged on the floor of the Representatives against the constitutionality of the bill now before the President; and they were overruled by a majority of that house,

comprehending the delegation of all the States south of the Hudson, except South Carolina. At the last session of Congress, when the bill for remaining a certain term at New York, and then removing to Susquehanna or Germantown was objected to on the same ground, the objection was overruled by a majority comprehending the delegations of the northern half of the union with that of South Carolina. So that the sense of every State in the union has been expressed, by its delegation, against this objection South Carolina excepted, and excepting also Rhode Island, which has never yet had a delegation in place to vote on the question. In both these instances, the Senate concurred with the majority of the Representatives. The sense of the two houses is stronger authority in this case, as it is given against their own supposed privilege.

It would be as tedious, as it is unnecessary, to take up and discuss one by one, the objections proposed in the paper of July 13. Every one of them is founded on the supposition that the two houses hold their right of adjournment from the constitution. This error being corrected, the objections founded on it fall of themselves.

It would also be work of mere supererogation to show that, granting what this writer takes for granted (that the President's assent would be an inoperative ingredient, because excluded by the constitution, as he says), yet the particular views of the writer would be frustrated, for on every hypothesis of what the President may do, Congress must go to Philadelphia. 1. If he assents to the bill, that assent makes good law of the part relative to the Patomac ; and the part for holding the next session at Philadelphia is good, either as an ordinance, or a vote of the two houses, containing a complete declaration of their will in a case where it is competent to the object ; so that they must go to Philadelphia in that case. 2. If he dissents from the bill it annuls the part relative to the Patomac ; but as to the clause for adjourning to Philadelphia, his dissent being as inefficient as his assent, it remains a good ordinance or vote, of the two houses for going thither, and consequently they must go in this

case also. 3. If the President withholds his will out of the bill altogether, by a ten days' silence, then the part relative to the Potomac becomes a good law without his will, and that relative to Philadelphia is good also, either as a law, or an ordinance, or a vote of the two houses; and consequently in this case also they go to Philadelphia.

IX.—*Opinion respecting the expenses and salaries of foreign Ministers.*

July 17, 1790.

The bill on the intercourse with foreign nations restrains the President from allowing to Ministers Plenipotentiary, or to Congress, more than $9,000, and $4,500 for their "personal services, and other expenses." This definition of the objects for which the allowance is provided appearing vague, the Secretary of State thought it his duty to confer with the gentlemen heretofore employed as ministers in Europe, to obtain from them, in aid of his own information, an enumeration of the expenses incident to these offices, and their opinion which of them would be included within the fixed salary, and which would be entitled to be charged separately. He, therefore, asked a conference with the Vice-President, who was acquainted with the residences of London and the Hague, and the Chief Justice, who was acquainted with that of Madrid, which took place yesterday.

The Vice-President, Chief Justice, and Secretary of State, concurred in the opinion that the salaries named by the act are much below those of the same grade at the courts of Europe, and less than the public good requires they should be. Consequently, that the expenses not included within the definition of the law, should be allowed as an additional charge.

1. *Couriers, Gazettes, Translating necessary papers, Printing necessary papers, Aids to poor Americans.*—All three agreed that these ought to be allowed as additional charges, not includ-

ed within the meaning of the phrase, "his personal services, and other expenses."

2. *Postage, Stationary, Court-fees.*—One of the gentlemen being of opinion that the phrase "personal services, and other expenses," was meant to comprehend all the *ordinary expenses* of the office, considered this second class of expenses as *ordinary*, and therefore included in the fixed salary. The first class before mentioned, he had viewed as *extraordinary*. The other two gentlemen were of opinion this second class was also out of the definition, and might be allowed in addition to the salary. One of them, particularly, considered the phrase as meaning "personal services and personal expenses," that is, expenses for his personal accommodation, comforts, and maintenance. This second class of expenses is not within that description.

3. *Ceremonies;* such as diplomatic and public dinners, galas, and illuminations. One gentleman only was of opinion these might be allowed.

The expenses of the first class may probably amount to about fifty dollars a year. Those of the second, to about four or five hundred dollars. Those of the third are so different at different courts, and so indefinite in all of them, that no general estimate can be proposed.

The Secretary of State thought it his duty to lay this information before the President, supposing it might be satisfactory to himself, as well as to the diplomatic gentlemen, to leave nothing uncertain as to their allowances; and because, too, a previous determination is in some degree necessary to the forming an estimate which may not exceed the whole sum appropriated.

The Secretary of State has also consulted on the subject of the Morocco consulship, with Mr. Barclay, who furnished him with the note, of which a copy accompanies this. Considering all circumstances, Mr. Barclay is of opinion, we had better have only a consul there, and that he should be the one now residing at Morocco, because, as secretary to the Emperor, he sees him every day, and possesses his ear. He is of opinion six hundred dollars a year might suffice for him, and that it should be propos-

ed to him not as a salary, but as a sum in gross intended to cover his expenses, and to save the trouble of keeping accounts. That this consul should be authorized to appoint agents in the seaports, who would be sufficiently paid by the consignments of vessels. He thinks the consul at Morocco would most conveniently receive his allowance through the channel of our Chargé at Madrid, on whom, also, this consulate had better be made dependent for instructions, information, and correspondence, because of the daily intercourse between Morocco and Cadiz.

The Secretary of State, on a view of Mr. Barclay's note, very much doubts the sufficiency of the sum of six hundred dollars; he supposes a little money there may save a great deal; but he is unable to propose any specific augmentation till a view of the whole diplomatic establishments and its expenses, may furnish better grounds for it.

[Appended to this note, were the following estimate of the expenses of foreign ministers, and of the probable calls on our foreign fund, from July 1, 1790, to July 1, 1791.—Ed.]

Estimate of the Expenses of a Minister Plenipotentiary.

	July 19, 1790.
Minister Plenipotentiary, his salary	$9,000
His outfit, suppose it to happen once in seven years, will average	1,285
His return at a quarter's salary will average	321
Extras, viz.: Gazettes, Translating, Printing, Aids to poor American sailors, Couriers, and Postage, about	350
His Secretary	1,350
	$12,396

Estimate for a Chargé des Affaires.

Chargé des Affaires, his salary	$4,500
His outfit, once in seven years, equal to an annual sum of	643
His return at a quarter's salary, do.	161
Extras, as above	350
	$5,654

The Agent at the Hague, his salary	$1,300
Extras	100
	$1,400

Estimate of the Annual Expenses of the Establishment proposed.

France, a Minister Plenipotentiary	$12,306
London, do. do.	12,306
Madrid, a Chargé des Affaires	5,654
Lisbon, do. do. do.	5,654
Hague, an agent	1,400
Morocco, a consul	1,800
Presents to foreign ministers on taking leave, at $1,000 each, more or less, according to their favor and time. There will be five of them. If exchanged once in seven years, it will be annually	715
	$39,835

Estimate of the probable calls on our foreign fund from July 1, 1790, when the act for foreign intercourse passed, to July 1, 1791.

France, a Minister Plenipotentiary, his outfit	$9,000	
His salary, suppose it to commence August 1st	8,250	
Extras	320	
Secretary	1,237.5	$18,807.5
Chargé, suppose him to remain till November 1st. Salary	1,500	
Extras	117	
His return, a quarter's salary	1,125	2,742
Madrid, a Chargé, his salary	4,500	
Extras	350	4,850
Lisbon, a Chargé, (or Resident,) his outfit	4.500	
His salary, suppose it to commence January 1, 1791	2,250	
Extras	175	6,925
London, an Agent, suppose to commence October 1st, at $1,350 salary	1,012.5	
Extras, (at $100 a year)	75	1,087.5
Hague, an Agent	1,400	
Morocco, Consul	1,800	3,200
Presents to foreign Ministers. The dye about	500	
Two medals and chains	2,000	2,500
		$40,112

X.—*Opinion in regard to the continuance of the monopoly of the commerce of the Creek nation, enjoyed by Col. McGillivray:*

July 29th, 1790.

Colonel McGillivray, with a company of British merchants, having hitherto enjoyed a monopoly of the commerce of the

Creek nation, with a right of importing their goods duty free, and considering these privileges as the principal sources of his power over that nation, is unwilling to enter into treaty with us, unless they can be continued to him. And the question is how this may be done consistently with our laws, and so as to avoid just complaints from those of our citizens who would wish to participate of the trade?

Our citizens, at this time, are not permitted to trade in that nation. The nation has a right to give us their peace, and to withhold their commerce, to place it under whatever monopolies or regulations they please. If they insist that only Colonel McGillivray and his company shall be permitted to trade among them, we have no right to say the contrary. We shall even gain some advantage in substituting citizens of the United States instead of British subjects, as associates of Colonel McGillivray, and excluding both British and Spaniards from the country.

Suppose, then, it be expressly stipulated by treaty, that no person be permitted to trade in the Creek country, without a license from the President, that but a fixed number shall be permitted to trade there at all, and that the goods imported for and sent to the Creek nation, shall be duty free. It may further be either expressed that the person licensed shall be approved by the leader or leaders of the nation, or without this, it may be understood between the President and McGillivray that the stipulated number of licenses shall be sent to him blank, to fill up. A treaty made by the President, with the concurrence of two-thirds of the Senate, is a law of the land, and a law of superior order, because it not only repeals past laws, but cannot itself be repealed by future ones.* The treaty, then, will legally control the duty acts, and the acts for licensing traders, in this particular instance. When a citizen applies for a license, who is not of McGillivray's

* [At a later period, upon reviewing this opinion, the following note was appended by Mr. Jefferson.—Ed.—viz.] "Unless with the consent or default of the other contracting party. It may well be doubted, too, and perhaps denied, that the treaty power can control a law. The question here proposed was then of the first impression. Subsequent investigations have proved that the contrary position is the more general truth.

partnership, he will be told that but a given number could be licensed by the treaty, and that the number is full. It seems that in this way no law will be violated, and no just cause of complaint will be given; on the contrary, the treaty will have bettered our situation, though not in the full degree which might have been wished.

XI.—*Opinion respecting our foreign debt.*

August 26. 1790.

On consideration of the letter of our banker, of January 25th, 1790, the Secretary of the Treasury's answer to it, and the draught of powers and instructions to him, I am of opinion, as I always have been, that the purchase of our debt to France by private speculators, would have been an operation extremely injurious to our credit; and that the consequence foreseen by our banker, that the purchasers would have been obliged, in order to make good their payments, to deluge the markets of Amsterdam with American paper of all sorts, and to sell it at any price, was a probable one. And the more so, as we know that the particular individuals who were engaged in that speculation, possess no means of their own adequate to the payments they would have had to make. While we must not doubt that these motives, together with a proper regard for the credit of the United States, had real and full weight with our bankers, towards inducing them to counterwork these private speculations; yet, to ascribe their industry in this business wholly to these motives, might lead to a too great and dangerous confidence in them. It was obviously their interest to defeat all such speculations, because they tended to take out of their hands, or at least to divide with them, the profits of the great operation of transferring the French debt to Amsterdam, an object of first rate magnitude to them, and on the undivided enjoyments of which they might count, if private speculators could be baffled. It has been a contest of dexterity and cunning, in which our champions have ob-

obtained the victory. The manœuvre of opening a loan of three millions of florins, has, on the whole, been useful to the United States, and though unauthorized, I think should be confirmed. The measure proposed by the Secretary of the Treasury, of sending a superintendent of their future operations, will effectually prevent their doing the like again, and the funding laws leave no danger that such an expedient might at any future time be useful to us.

The report of the Secretary of the Treasury, and the draught of instructions, present this plan to view: First, to borrow on the best terms we can, not exceeding those limited by the law, such a sum as may answer all demands of principal or interest of the foreign debts, due, or to become due before the end of 1791. [This I think he supposes will be about three and a half millions of dollars.] Second, to consider two of the three millions of florins already borrowed by our bankers as, so far, an execution of this operation; consequently, that there will remain but about two and a half millions of dollars to be borrowed on the old terms. Third, to borrow no more as yet, towards completing the transfer of the French debt to Amsterdam, unless we can do it on more advantageous terms. Fourth, to consider the third millions of florins already borrowed by our bankers, as, so far, an execution of the powers given the President to borrow two millions of dollars, by the act of the 12th of August. The whole of this appears to me to be wise. If the third million be employed in buying up our *foreign paper*, on the exchange of Amsterdam, by creating a demand for that species of paper, it will excite a cupidity in the monied men to obtain more of it by new loans, and consequently enable us to borrow more and on lower terms. The saving of interest, too, on the sum so to be bought, may be applied in buying up more principal, and thereby keep this salutary operation going.

I would only take the liberty of suggesting the insertion of some such clause as the following, into the instructions: "The agents to be employed shall never open a loan for more than one million of dollars at a time, nor open a new loan till the pre-

ceding one has been filled, and expressly approved by the President of the United States." A new man, alighting on the exchange of Amsterdam, with powers to borrow twelve millions of dollars, will be immediately beset with bankers and brokers, who will pour into his ear, from the most unsuspected quarters, such informations and suspicions as may lead him exactly into their snares. So wonderfully dexterous are they in wrapping up and complicating their propositions, they will make it evident, even to a clear-headed man, (not in the habit of this business,) that two and two make five. The agent, therefore, should be guarded, even against himself, by putting it out of his power to extend the effect of any erroneous calculation beyond one million of dollars. Were he able, under a delusive calculation, to commit such a sum as twelve millions of dollars, what would be said of the government? Our bankers told me themselves that they would not choose, in the conduct of this great loan, to open for more than two or three millions of florins at a time, and certainly never for more than five. By contracting for only one million of dollars at a time, the agent will have frequent occasions of trying to better the terms. I dare say that this caution, though not expressed in the instructions, is intended by the Secretary of the Treasury to be carried into their execution. But, perhaps, it will be desirable for the President, that his sense of it also should be expressed in writing.

XII.—*Opinion upon the question what the answer of the President should be in case Lord Dorchester should apply for permission to march troops through the territory of the United States, from Detroit to the Mississippi.*

GEORGE WASHINGTON TO THOMAS JEFFERSON.

UNITED STATES, August 27, 1790.

Provided the dispute between Great Britain and Spain should come to the decision of arms, from a variety of circumstances (individually unimportant and inconclusive, but very much the reverse when compared and combined), there is no

doubt in my mind, that New Orleans, and the Spanish posts above it on the Mississippi, will be among the first attempts of the former; and that the reduction of them will be undertaken by a combined operation from Detroit.

The *consequences* of having so formidable and enterprizing a people as the British on both our flanks and rear, with their navy in front, as they respect our western settlements which may be seduced thereby, as they regard the security of the Union and its commerce with the West Indies, are too obvious to need enumeration.

What then should be the answer of the Executive of the United States to Lord Dorchester, in case he should apply for permission to march troops through the territory of the said States from Detroit to the Mississippi?

What notice ought be taken of the measure, if it should be undertaken without leave, which is the most probable proceeding of the two?

The opinion of the Secretary of State is requested in writing upon the above statements.

Opinion on the questions stated in the President's note of August 27th, 1790.

August 28, 1790.

I am so deeply impressed with the magnitude of the dangers which will attend our government, if Louisiana and the Floridas be added to the British empire, that, in my opinion, we ought to make ourselves parties in the *general war* expected to take place, should this be the only means of preventing the calamity.

But I think we should defer this step as long as possible; because war is full of chances, which may relieve us from the necessity of interfering; and if necessary, still the later we interfere, the better we shall be prepared.

It is often indeed more easy to prevent the capture of a place, than to retake it. Should it be so in the case in question, the difference between the two operations of preventing and retaking, will not be so costly as two, three, or four years more of war.

So that I am for preserving neutrality as long, and entering into the war as late, as possible.

If this be the best course, it decides, in a good degree, what should be our conduct, if the British ask leave to march troops through our territory, or march them without leave.

It is well enough agreed, in the laws of nations, that for a neu-

tral power to give or refuse permission to the troops of either belligerent party to pass through their territory, is no breach of neutrality, provided the same refusal or permission be extended to the other party.

If we give leave of passage then to the British troops, Spain will have no just cause of complaint against us, provided we extend the same leave to her when demanded.

If we refuse, (as indeed we have a right to do,) and the troops should pass notwithstanding, of which there can be little doubt, we shall stand committed. For either we must enter immediately into the war, or pocket an acknowledged insult in the face of the world; and one insult pocketed soon produces another.

There is indeed a middle course, which I should be inclined to prefer; that is, to avoid giving any answer. They will proceed notwithstanding, but to do this under our silence, will admit of palliation, and produce apologies, from military necessity; and will leave us free to pass it over without dishonor, or to make it a handle of quarrel hereafter, if we should have use for it as such. But, if we are obliged to give an answer, I think the occasion not such as should induce us to hazard that answer which might commit us to the war at so early a stage of it; and therefore that the passage should be permitted.

If they should pass without having asked leave, I should be for expressing our dissatisfaction to the British court, and keeping alive an altercation on the subject, till events should decide whether it is most expedient to accept their apologies, or profit of the aggression as a cause of war.

XIII.—*Opinion on the question whether it will be expedient to notify to Lord Dorchester the real object of the expedition preparing by Governor St. Clair.*

August 29. 1890.

On considering more fully the question whether it will be expedient to notify to Lord Dorchester the real object of the expedition preparing by Governor St. Clair, I still think it will not

be expedient. For, if the notification be early, he will get the Indians out of the way, and defeat our object. If it be so late as not to leave him time to withdraw them before our stroke be struck, it will then be so late also as not to leave him time to withdraw any secret aids he may have sent them. And the notification will betray to him that he may go on without fear in his expedition against the Spaniards, and for which he may yet have sufficient time after our expedition is over. On the other hand, if he should suspect our preparations are to prevent his passing our territory, these suspicions may induce him to decline his expedition, as, even should he think he could either force or steal a passage, he would not divide his troops, leaving (as he would suppose) an enemy between them able to take those he should leave, and cut off the return of those he should carry. These suspicions, too, would mislead both him and the Indians, and so enable us to take the latter more completely by surprise, and prevent him from sending secret aid to those whom he would not suppose the objects of the enterprise; thus effecting a double purpose of preventing his enterprise, and securing our own. Might it not even be expedient, with a view to deter his enterprise, to instruct Governor St. Clair either to continue his pursuit of the Indians till the season be too far advanced for Lord Dorchester to move; or, on disbanding his militia, to give them general orders (which might reach the ears of Lord Dorchester) to be ready to assemble at a moment's warning, though no such assembly be really intended?

Always taking care neither to say nor do, against their passage, what might directly commit either our peace or honor.

XIV.—*Opinion on proceedings to be had under the Residence act.*

November 29, 1790.

A territory not exceeding ten miles square (or, I presume, one hundred square miles in any form) to be located by metes and bounds.

Three commissioners to be appointed. I suppose them not entitled to any salary.

[If they live near the place they may, in some instances, be influenced by self interest, and partialities; but they will push the work with zeal. If they are from a distance, and northwardly, they will be more impartial, but may affect delays.]

The commissioners to purchase or accept "such quantity of land on the east side of the river as the President shall deem *proper for the United States*," viz., for the federal Capitol, the offices, the President's house and gardens, the town house, market house, public walks and hospital. For the President's house, offices and gardens, I should think two squares should be consolidated. For the Capitol and offices, one square. For the market, one square. For the public walks, nine squares consolidated.

The expression "such quantity of land as the President shall deem *proper for the United States*," is vague. It may therefore be extended to the acceptance or purchase of land enough for the town; and I have no doubt it is the wish, and perhaps expectation. In that case, it will be to be laid out in lots and streets. I should propose these to be at right angles, as in Philadelphia, and that no street be narrower than one hundred feet, with foot ways of fifteen feet. Where a street is long and level, it might be one hundred and twenty feet wide. I should prefer squares of at least two hundred yards every way, which will be about eight acres each.

The commissioners should have some taste in architecture, because they may have to decide between different plans.

They will, however, be subject to the President's direction in every point.

When the President shall have made up his mind as to the spot for the town, would there be any impropriety in his saying to the neighboring land holders, "I will fix the town here if you will join and purchase and give the lands." They may well afford it by the increase of value it will give to their own circumjacent lands.

The lots to be sold out in breadths of fifty feet; their depths to extend to the diagonal of the square.

I doubt much whether the obligation to build the houses at a given distance from the street, contributes to its beauty. It produces a disgusting monotony; all persons make this complaint against Philadelphia. The contrary practice varies the appearance, and is much more convenient to the inhabitants.

In Paris it is forbidden to build a house beyond a given height; and it is admitted to be a good restriction. It keeps down the price of ground, keeps the houses low and convenient, and the streets light and airy. Fires are much more manageable where houses are low.

XV.—*Report by the Secretary of State to the President of the United States on the Report of the Secretary of the Government north-west of the Ohio.*

December 14, 1790.

The Secretary of State having had under his consideration the report made by the Secretary of the Government north-west of the Ohio, of his proceedings for carrying into effect the resolution of Congress of August 29th, 1788, respecting the lands of the inhabitants of Port Vincennes, makes the following report thereon to the President of the United States:

The resolution of Congress of August 29th, 1788, had confirmed in their possessions and titles the French and Canadian inhabitants and other settlers at that post, who, in or before the year 1783, had settled there, and had professed themselves citizens of the United States or any of them, and had made a donation to every head of a family, of the same description of four hundred acres of land, part of a square to be laid off adjoining the improvements at the post.

The Secretary of the north-western government, in the absence of the Governor, has carried this resolution into effect, as to all the claims to which he thought it could be clearly applied:

there remain, however, the following description of cases, on which he asks further instructions:

1. Certain cases within the letter of the resolution, but rendered doubtful by the condition annexed, to the grants of lands in the Illinois country. The cases of these claimants, fifteen in number, are specially stated in the papers hereto annexed, number 2, and the lands are laid off for them but remain ungranted till further orders.

2. Certain persons who, by removals from one part of the territory to another, are not of the letter of the resolutions, but within its equity, as they conceive.

3. Certain heads of families, who became such soon after the year 1783, who petition for a participation of the donation, and urge extraordinary militia service to which they are exposed.

4. One hundred and fifty acres of land within the village granted under the former government of that country, to the Piankeshaw Indians, and on their removal sold by them in parcels to individual inhabitants, who in some instances have highly improved them both before and since the year 1783.

5. Lands granted both before and after 1783, by authority from the commandant of the post, who, according to the usage under the French and British governments, thinking himself authorized to grant lands, delegated that authority to a court of civil and criminal jurisdiction, whose grants before 1783, amount to twenty-six thousand acres, and between that and 1787, (when the practice was stopped,) to twenty-two thousand acres. They are generally in parcels from four hundred acres down to the size of house lots; and some of them under considerable improvement. Some of the tenants urge that they were induced by the court itself to come and settle these lands under assurance of their authority to grant them, and that a loss of the lands and improvements will involve them in ruin. Besides these small grants, there are some much larger, sometimes of many leagues square, which a sense of their impropriety has prevented the grantees from bringing forward. Many pretended grants, too, of

this class are believed to be forgeries, and are, therefore, to be guarded against.

6. Two thousand four hundred acres of good land, and three thousand acres of sunken land, held under the French, British, and American governments, as commons for the use of the inhabitants of the village generally, and for thirty years past kept under inclosure for these purposes.

The legislature alone being competent to authorize the grant of lands in cases as yet unprovided for by the laws. The Secretary of State is of opinion that the report of the Secretary of the north-western government, with the papers therein referred to, should be laid before Congress for their determination. Authentic copies of them are herewith enclosed to the President of the United States.

XVI.—*Opinion on certain proceedings of the Executive in the North-western Territory.*

December 14, 1790.

The Secretary of State having had under his consideration, the journal of the proceedings of the Executive in the North-western Territory, thinks it his duty to extract therefrom, for the notice of the President of the United States, the articles of April 25th, June 6th, 28th, and 29th. Some of which are hereto annexed.

Conceiving that the regulations, purported in these articles, are beyond the competence of the executive of the said government, that they amount, in fact, to laws, and as such, could only flow from its regular legislature. That it is the duty of the general government to guard its subordinate members from the encroachments of each other, even when they are made through error or inadvertence, and to cover its citizens from the exercise of powers not authorized by the law. The Secretary of State is of opinion that the said articles be laid before the Attorney General for consideration, and if he finds them to be against law, that his

opinion be communicated to the Governor of the North-western Territory, for his future conduct.

[The following are the extracts alluded to above.]

Extracts from the Journal of the Proceedings in the Executive Department of government in the Territory of the United States, north-west of the Ohio, reported to the President of the United States, by Winthrop Sargent, Secretary.

April 25, 1790.—The governor was pleased to issue the following order, viz.: All the inhabitants are forbidden to entertain any strangers, white, Indian, or negro, let them come from whatsoever place, without acquainting the officer commanding the troops, of the names of such strangers, and the place from whence they came. And every stranger arriving at Cahokia, is ordered to present himself to said officer within two hours after his arrival, on pain of imprisonment.

June 6, 1790.—The Governor at Kaskaskias, was pleased to make the following proclamation:

The practice of selling spirituous liquors to the Indians in the villages being attended with very ill consequences, it is expressly prohibited; and all and every person transgressing this order, will be liable to be tried and fined at the pleasure of the court of quarter sessions of the peace. And as it may be necessary that spirituous liquors should be vended in small quantities to white travellers and others; to prevent all danger of imposition and extortion, no person whosoever shall sell in any of the villages or their environs, spirituous liquors to any white person, traveller, or inhabitant, in any quantity less than one quart at one time, without obtaining a license from the governor, which license shall not be granted but upon the recommendation of the Justices of the Peace in their court of quarter sessions, and on his or their giving security in the sum of two hundred dollars, to abide by all the regulations made by law respecting retailers of spirituous liquors, and the orders of the said court of quarter sessions in the premises in the meantime. And for every offence, he or they shall be liable to prosecution by indictment and fine at the pleasure of the court, and to the forfeiture of their bonds.

Nor shall any person undertake or exercise the calling or occupation of an Innholder or Tavern-keeper, without obtaining in the same manner, and under the same restrictions and penalties, a license for so doing.

Proclamation.—Whereas, his Excellency, Arthur St. Clair, Esq., governor and commander-in-chief of this Territory, did by proclamation given at the Kaskaskias the 10th instant, strictly prohibit all persons, not citizens of the United States or the Territory, from hunting or killing any kind of game within the same, either for the flesh or skins, upon penalty *not only* of forfeiting the flesh and skins which they might acquire, but also prosecution and punishment as trespassers.

And it appearing to me to be particularly essential to the interests of this country, that an observance of the order and prohibition should be obtained, I do hereby call upon all civil and military officers, who now are, or hereafter may

be appointed, to use their best endeavors for detecting and bringing to justice every person who shall violate the same. And, whereas, it appears to me to be expedient that government should receive information of all characters, foreigners and others, coming into the Territory, I do hereby order and direct that any person arriving at *this*, or any of the military posts of the United States within the same, should present himself to the commanding officer of the troops in two hours next after his arrival; and the inhabitants are hereby forbidden to entertain such characters, whether whites, Indians, or negroes, without immediate information thereof to the said commanding officers.

Given under my hand and seal at the town of Post Vincennes, and county of Knox, this 28th day of June, A. D. 1790, and of the Independence of the United States, the fourteenth.

(Signed,) WINTHROP SARGENT.

June 29, 1790.—It is to be considered as a standing order hereafter, that no person enrolled in the militia shall leave the village or stations, for a longer absence than twenty-four hours, without informing him (Mayor Hamtramck) or the commanding officer for the time being, of their intention. And all intelligence or discoveries of Indians, to be immediately reported.

(Signed,) WINTHROP SARGENT.

XVII.—*Report on certain letters from the President to Mr. Gouverneur Morris, and from Mr. Morris to the President, relative to our difficulties with England*—1790.

December 15, 1790.

The Secretary of State having had under consideration the two letters of October 13th, 1789, from the President of the United States, to Mr. Gouverneur Morris; and those of Mr. Morris to the President, of January 22d, April 7th, 13th, May 1st, 29th, July 3d, August 16th, and September 18th, referred to him by the President, makes the following report thereon:

The President's letter of January 22d, authorized Mr. Morris to enter into conference with the British ministers in order to discover their sentiments on the following subjects:

1. Their retention of the western posts contrary to the treaty of peace.

2. Indemnification for the negroes carried off against the stipulations of the same treaty.

3. A treaty for the regulation of the commerce between the two countries.

4. The exchange of a minister.

The letters of Mr. Morris before mentioned, state the communications, oral and written, which have passed between him and the ministers; and from these the Secretary of State draws the following inferences:

1. That the British court is decided not to surrender the posts in any event; and that they will urge as a pretext that though our courts of justice are now open to British subjects, they were so long shut after the peace as to have defeated irremedially the recovery of debts in many cases. They suggest, indeed, the idea of an indemnification on our part. But probably were we disposed to admit their right to indemnification, they would take care to set it so high as to insure a disagreement.

2. That as to indemnification for the negroes, their measures for concealing them were in the first instance so efficacious, as to reduce our demand for them, so far as we can support it by direct proof, to be very small indeed. Its smallness seems to have kept it out of discussion. Were other difficulties removed, they would probably make none of this article.

3. That they equivocate on every proposal of a treaty of commerce, and authorize in their communications with Mr. Morris the same conclusions which have been drawn from those they had had from time to time with Mr. Adams, and those through Mayor Beckwith; to wit, that they do not mean to submit their present advantages in commerce to the risk which might attend a discussion of them, whereon some reciprocity could not fail to be demanded. Unless, indeed, we would agree to make it a treaty of *alliance* as well as *commerce*, so as to undermine our obligations with France. This method of stripping that rival nation of its alliances, they tried successfully with Holland, endeavored at it with Spain, and have plainly and repeatedly suggested to us. For this they would probably relax some of the rigors they exercise against our commerce.

4. That as to a minister, their Secretary for foreign affairs is

disposed to exchange one, but meets with opposition in his cabinet, so as to render the issue uncertain.

From the whole of which, the Secretary of State is of opinion that Mr. Morris' letters remove any doubts which might have been entertained as to the intentions and dispositions of the British cabinet.

That it would be dishonorable to the United States, useless and even injurious, to renew the propositions for a treaty of commerce, or for the exchange of a minister; and that these subjects should now remain dormant, till they shall be brought forward earnestly by them.

That the demands of the posts, and of indemnification for the negroes, should not be again made till we are in readiness to do ourselves the justice which may be refused.

That Mr. Morris should be informed that he has fulfilled the object of his agency to the satisfaction of the President, inasmuch as he has enabled him to judge of the real views of the British cabinet, and that it is his pleasure that the matters committed to him be left in the situation in which the letter shall find them.

That a proper compensation be given to Mr. Morris for his services herein, which having been begun on the 22d of January, and ended the 18th of September, comprehend a space of near eight months; that the allowance to an agent may be properly fixed anywhere between the half and the whole of what is allowed to a Chargé d'affaires; which, according to the establishment of the United States at the time of this appointment, was at the rate of $3,000 a year; consequently, that such a sum of between one and two thousand dollars be allowed him as the President shall deem proper, on a view of the interference which this agency may have had with Mr. Morris' private pursuits in Europe.

XVIII.—*Report relative to the Mediterranean trade.*

December 28, 1790.

The Secretary of State, to whom was referred by the House of Representatives so much of the speech of the President of

the United States to both Houses of Congress, as relates to the trade of the United States in the Mediterranean, with instructions to report thereupon to the House, has had the same under consideration, and thereupon makes the following report:

The loss of the records of the custom houses in several of the States, which took place about the commencement and during the course of the late war, has deprived us of official information, as to the extent of our commerce and navigation in the Mediterranean sea. According to the best which may be obtained from other sources meriting respect, it may be concluded that about one-sixth of the wheat and flour exported from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the Mediterranean ports; that these articles constituted the principal part of what we sent into that sea; that that commerce loaded outwards from eighty to one hundred ships, annually, of twenty thousand tons, navigated by about twelve hundred seamen. It was abandoned early in the war. And after the peace which ensued, it was obvious to our merchants, that their adventures into that sea would be exposed to the depredations of the piratical States on the coast of Barbary. Congress, too, was very early attentive to this danger, and by a commission of the 12th of May, 1784, authorized certain persons, named ministers plenipotentiary for that purpose, to conclude treaties of peace and amity with the Barbary powers. And it being afterwards found more expedient that the negotiations should be carried on at the residences of those powers, Congress, by a farther commission, bearing date the 11th of March, 1785, empowered the same ministers plenipotentiary to appoint agents to repair to the said powers at their proper residences, and there to negotiate such treaties. The whole expenses were limited to eighty thousand dollars. Agents were accordingly sent to Morocco and Algiers.

Before the appointment of the one to Morocco, it was known that a cruiser of that State had taken a vessel of the United States; and that the emperor, on the friendly interposition of the court of Madrid had liberated the crew, and made restitution

of the vessel and cargo, as far as their condition admitted. This was a happy presage of the liberal treaty he afterwards concluded with our agent, still under the friendly mediation of Spain, and at an expense of between nine and ten thousand dollars only. On his death, which has taken place not long since, it becomes necessary, according to their usage, to obtain immediately a recognition of the treaty by his successor, and consequently, to make provision for the expenses which may attend it. The amount of the former furnishes one ground of estimate; but the character and dispositions of the successor, which are unknown here, may influence it materially. The friendship of this power is important, because our Atlantic as well as Mediterranean trade is open to his annoyance, and because we carry on a useful commerce with his nation.

The Algerines had also taken two vessels of the United States, with twenty-one persons on board, whom they retained as slaves. On the arrival of the agent sent to that regency, the dey refused utterly to treat of peace on any terms, and demanded 59,496 dollars for the ransom of our captives. This mission therefore proved ineffectual.

While these negotiations were on foot at Morocco and Algiers, an ambassador from Tripoli arrived in London. The ministers plenipotentiary of the United States met him in person. He demanded for the peace of that State, thirty thousand guineas; and undertook to engage that of Tunis for a like sum. These demands were beyond the limits of Congress, and of reason, and nothing was done. Nor was it of importance, as, Algiers remaining hostile, the peace of Tunis and Tripoli was of no value, and when that of the former should be obtained, theirs would soon follow.

Our navigation, then, into the Mediterranean, has not been resumed at all since the peace. The sole obstacle has been the unprovoked war of Algiers; and the sole remedy must be to bring that war to an end, or to palliate its effects. Its effects may, perhaps, be palliated by insuring our ships and cargoes destined for that sea, and by forming a convention with the regency,

for the ransom of our seamen, according to a fixed tariff. That tariff will, probably, be high, and the rate of insurance so settled, in the long run, as to pay for the vessels and cargoes captured, and something more. What proportion will be captured nothing but experience can determine. Our commerce differs from that of most of the nations with whom the predatory States are in habits of war. Theirs is spread all over the face of the Mediterranean, and therefore must be sought for all over its face. Ours must all enter at a strait only five leagues wide; so that their cruisers, taking a safe and commanding position near the strait's mouth, may very effectually inspect whatever enters it. So safe a station, with a certainty of receiving for their prisoners a good and stated price, may tempt their cupidity to seek our vessels particularly. Nor is it certain that our seamen could be induced to engage in that navigation, though with the security of Algerine faith that they would be liberated on the payment of a fixed sum. The temporary deprivation of liberty, perhaps chains, the danger of the pest, the perils of the engagement preceding their surrender, and possible delays of the ransom, might turn elsewhere the choice of men, to whom all the rest of the world is open. In every case, these would be embarrassments which would enter into the merchants' estimate, and endanger the preference of foreign bottoms not exposed to them. And upon the whole, this expedient does not fulfil our wish of a complete re-establishment of our commerce in that sea.

A second plan might be to obtain peace by purchasing it. For this we have the example of rich and powerful nations, in this instance counting their interest more than their honor. If, conforming to their example, we determine to purchase a peace, it is proper to inquire what a peace may cost. This being merely a matter of conjecture, we can only compare together such opinions as have been obtained, and from them form one for ourselves.

Mr. Wolf, a respectable Irishman, who had resided very long at Algiers, thought a peace might be obtained from that regency, and the redemption of our captives included, for sixty or seventy

thousand pounds sterling.* His character and opinion both merited respect. Yet his estimate being the lowest of all who have hazarded an opinion on this subject, one is apt to fear his judgment might have been biassed by the hope he entertained that the United States would charge him with this negotiation.

Captain O'Brien, one of our captives, who had been in Algiers four years and a half at the date of his last letter, a very sensible man, and to whom we are indebted for very minute information, supposes that peace alone, might be bought for that sum, that is to say, for three hundred and twenty-two thousand dollars.

The Tripoline ambassador, before mentioned, thought that peace could be made with the three smaller powers for ninety thousand pounds sterling, to which were to be added the expenses of the mission and other incidental expenses. But he could not answer for Algiers; they would demand more. The ministers plenipotentiary, who conferred with him, had judged that as much must be paid to Algiers as to the other three powers together; and consequently, that according to this measure, the peace of Algiers would cost from an hundred to an hundred and twenty-five thousand pounds sterling; or from four hundred and sixty to five hundred and seventy-five thousand dollars.

The latter sum seemed to meet the ideas of the Count de Vergennes, who, from a very long residence at Constantinople, was a good judge of what related to the porte, or its dependencies.

A person whose name is not free to be mentioned here, a native of the continent of Europe, who had long lived, and still lives at Algiers, with whom the minister plenipotentiary of the United States, at Paris, had many and long conversations, and found his information full, clear, and consistent, was of opinion the peace of Algiers could not be bought by the United States for less than one million of dollars. And when that is paid, all is not done. On the death of a dey, (and the present one is between seventy and eighty years of age,) respectable presents must be made to the successor, that he may recognize the treaty

*See No. 1 accompanying this report.

and very often he takes the liberty of altering it. When a consul is sent or changed, new presents must be made. If these events leave a considerable interval, occasion must be made of renewing presents. And with all this they must see that we are in condition to chastise an infraction of the treaty; consequently some marine force must be exhibited in their harbor from time to time.

The late peace of Spain with Algiers is said to have cost from three to five millions of dollars. Having received the money, they take the vessels of that nation on the most groundless pretexts; counting, that the same force which bound Spain to so hard a treaty, may break it with impunity.

Their treaty with France, which had expired, was about two years ago renewed for fifty years. The sum given at the time of renewal is not known. But presents are to be repeated every ten years, and a tribute of one hundred thousand dollars to be annually paid. Yet perceiving that France, embarrassed at home with her domestic affairs, was less capable of acting abroad, they took six vessels of that nation in the course of the last year, and retain the captives, forty-four in number, in slavery.

It is the opinion of Captain O'Brien, that those nations are best treated who pay a smaller sum in the beginning, and an annual tribute afterwards. In this way he informs us that the Dutch, Danes, Swedes, and Venetians pay to Algiers, from twenty-four to thirty thousand dollars a year, each; the two first in naval stores, the two last chiefly in money. It is supposed, that the peace of the Barbary States costs Great Britain about sixty thousand guineas, or two hundred and eighty thousand dollars a year. But it must be noted that these facts cannot be authentically advanced; as from a principle of self-condemnation, the governments keep them from from the public eye as much as possible.

Nor must we omit finally to recollect, that the Algerines, attentive to reserve always a sufficient aliment for their piracies, will never extend their peace beyond certain limits, and conse-

quently, that we may find ourselves in the case of those nations to whom they refuse peace at any price.

The third expedient is to repel force by force. Several statements are hereto annexed of the naval force of Algiers, taken in 1785, 1786, 1787, 1788, and 1789, differing in small degrees, but concurring in the main. From these it results that they have usually had about nine chebecs, from ten to thirty-six guns, and four galleys, which have been reduced by losses to six chebecs and four galleys. They have a forty-gun frigate on the stocks, and expect two cruisers from the grand seignior. The character of their vessels is, that they are sharp built and swift, but so light as not to stand the broadside of a good frigate. Their guns are of different calibres, unskilfully pointed and worked. The vessels illy manœuvred, but crowded with men, one third Turks, the rest Moors, of determined bravery, and resting their sole hopes on boarding. But two of these vessels belong to the government, the rest being private property. If they come out of the harbor together, they separate immediately in quest of prey; and it is said they were never known to act together in any instance. Nor do they come out at all, when they know there are vessels cruising for them. They perform three cruises a year, between the middle of April and November, when they unrig and lay up for the winter. When not confined within the straits, they rove northwardly to the channel, and westwardly to the westward islands.

They are at peace at present, with France, Spain, England, Venice, the United Netherlands, Sweden, and Denmark; and at war with Russia, Austria, Portugal, Naples, Sardinia, Genoa, and Malta.

Should the United States propose to vindicate their commerce by arms, they would, perhaps, think it prudent to possess a force equal to the whole of that which may be opposed to them. What that equal force would be, will belong to another department to say.

At the same time it might never be necessary to draw out the whole at once, nor perhaps any proportion of it, but for a small

part of the year; as it is reasonable to presume that a concert of operation might be arranged among the powers at war with the Barbary States, so as that, each performing a tour of given duration, and in given order, a constant cruise during the eight temperate months of every year, may be kept up before the harbor of Algiers, till the object of such operations be completely obtained. Portugal has singly, for several years past, kept up such a cruise before the straits of Gibraltar, and by that means has confined the Algerines closely within. But two of their vessels have been out of the straits in the last five years. Should Portugal effect a peace with them, as has been apprehended for some time, the Atlantic will immediately become the principal scene of their piracies; their peace with Spain having reduced the profits of their Mediterranean cruises below the expenses of equipment.

Upon the whole, it rests with Congress to decide between war, tribute, and ransom, as the means of re-establishing our Mediterranean commerce. If war, they will consider how far our own resources shall be called forth, and how far they will enable the Executive to engage, in the forms of the constitution, the co-operation of other powers. If tribute or ransom, it will rest with them to limit and provide the amount; and with the Executive, observing the same constitutional forms, to take arrangements for employing it to the best advantage.

No. 1.—*Extract of a letter from Richard O'Brien, one of the American captives at Algiers, to Congress. Algiers, December* 26, 1789.

"It was the opinion of Mr. John Wolf, who resided many years in this city, that the United States of America may obtain a peace for one hundred years with this regency, for the sum of sixty or seventy thousand pounds sterling, and the redemption of fifteen Americans included. Mr. Wolf was the British *charyé des affaires* in Algiers, and was much the friend of America, but he is no more.

"I have now been four years and a half in captivity, and I have much reason to think, that America may obtain a peace with Algiers for the sum of sixty-five or seventy thousand pounds, considering the present state of Algiers. That this regency would find it their interest to take two or three American cruisers in part payment for making a peace; and also would take masts, yards, plank, scantling, tar, pitch, and turpentine, and Philadelphia iron, as a part payment; all to be regulated at a certain fixed price by treaty."

No. 2.—*Extract of a letter from the Honorable John Adams, Minister Plenipotentiary for the United States at London, to the Honorable John Jay, Secretary for Foreign Affairs. London, February* 22, 1786.

"On Monday evening another conference was held with the Tripolitan ambassador. When he began to explain himself concerning his demands, he said they would be different according to the duration of the treaty. If that were perpetual, they would be greater; if for a term of years, less; his advice was that it should be perpetual. Once signed by the bashaw, dey, and other officers, it would be indissoluble and binding forever upon all their successors. But if a temporary treaty were made, it might be difficult and expensive to revive it. For a perpetual treaty, such as they now had with Spain, a sum of thirty thousand guineas must be paid upon the delivery of the articles signed by the dey and other officers. If it were agreed to, he would send his secretary by land to Marseilles, and from thence, by water, to Tripoli, who should bring it back by the same route, signed by the dey, &c. He had proposed so small a sum in consideration of the circumstances, but declared it was not half of what had been lately paid them by Spain. If we chose to treat upon a different plan, he would make a treaty perpetual upon the payment of twelve thousand five hundred guineas for the first year, and three thousand guineas annually, until the thirty thousand guineas were paid. It was observed that these were large sums, and vastly beyond expectation; but his excellency answered, that they never made a treaty for less. Upon the arrival of a prize, the dey and other officers are entitled, by their laws, to large shares, by which they might make greater profits than those sums amounted to, and they never would give up this advantage for less.

"He was told, that although there was full power to treat, the American ministers were limited to a much smaller sum; so that it would be impossible to do anything until we wrote to Congress and know their pleasure. Colonel Smith was present at this, as he had been at the last conference, and agreed to go to Paris, to communicate all to Mr. Jefferson, and persuade him to come here, that we may join in farther conferences, and transmit the result to Congress.

"The ambassador believed that Tunis and Morocco would treat upon the same terms, but could not answer for Algiers. They would demand more. When Mr. Jefferson arrives, we shall insist upon knowing the ultimatum, and transmit it to Congress.

"Congress will perceive that one hundred and twenty thousand guineas will be indispensable to conclude with the four powers at this rate, besides a present to the ambassadors, and their incidental charges. Besides this, a present of five hundred guineas is made, upon the arrival of a consul in each State. No man wishes more fervently that the expense could be less, but the fact cannot be altered, and the truth ought not to be concealed.

"It may be reasonably concluded that this great affair cannot be finished for much less than two hundred thousand pounds sterling."

No. 3.—*Extract of a Letter from the Honorable Thomas Jefferson, Minister Plenipotentiary for the United States at Paris, to the Honorable John Jay, Secretary for Foreign Affairs. Paris, May* 23, 1786.

"Letters received both from Madrid and Algiers, while I was in London, having suggested that treaties with the States of Barbary would be much facilitated by a previous one with the Ottoman Porte, it was agreed between Mr. Adams and myself, that on my return I should consult, on this subject, the Count De Vergennes, whose long residence at Constantinople rendered him the best judge of its expediency. Various circumstances have put it out of my power to consult him till to-day. I stated to him the difficulties we were likely to meet with at Algiers, and asked his opinion, what would be the probable expense of a diplomatic mission to Constantinople, and what its effects at Algiers. He said that the expense would be very great; for that presents must be made at that court, and every one would be gaping after them; and that it would not procure us a peace at Algiers one penny the cheaper. He observed that the Barbary States acknowledged a sort of vassalage to the Porte, and availed themselves of that relation when anything was to be gained by it; but that whenever it subjected them to the demand from the Porte, they totally disregarded it; that money was the sole agent. He cited the present example of Spain, which, though having a treaty with the Porte, would probably be obliged to buy a peace at Algiers, at the expense of upwards of six millions of livres. I told him we had calculated, from the demands and information of the Tripoline ambassador at London, that to make peace with the four Barbary States would cost us between two and three hundred thousand guineas, if bought with money.

"The sum did not seem to exceed his expectations. I mentioned to him, that considering the uncertainty of a peace, when bought, perhaps Congress might think it more eligible to establish a cruise of frigates in the Mediterranean, and even blockade Algiers. He supposed it would require ten vessels, great and small. I observed to him that M. De Massiac had formerly done it with five; he said it was true, but that vessels of relief would be necessary. I hinted to him that I thought the English capable of administering aid to the Algerines. He seemed to think it impossible, on account of the scandal it would bring on them. I asked him what had occasioned the blockade by M. De Massiac, he said an infraction of their treaty by the Algerines."

No. 4.—*Extract of a Letter from Richard O'Brien to the Hon. Thomas Jefferson. Algiers, April* 28, 1787.

"It seems the Neapolitan ambassador had obtained a truce with this regency for three months; and the ambassador wrote his court of his success; but about the 1st of April, when the cruisers were fitting out, the ambassador went to the dey, and hoped the dey would give the necessary orders to the captains of his cruisers not to take the Neapolitan vessels. The dey said the meaning of the truce was not to take the Neapolitan cruisers, but if his chebecks should meet the Neapolitan merchantmen to take them and send them for Algiers. The ambassador said, the Neapolitan cruisers would not want a pass on those terms. The dey said, if his chebecks should meet either men of war or merchant vessels, to take

them; so gave orders accordingly. The Algerines sailed the 9th instant, and are gone, I believe, off the coast of Italy. This shows there is very little confidence to be put in the royal word. No principle of national honor will bind those people; and I believe not much confidence to be put in them in treaties. The Algerines are not inclinable to a peace with the Neapolitans. I hear of no negotiation. When the two frigates arrive with the money for the ransom of the slaves, I believe they are done with the Neapolitans."

Extract of a Letter from Richard O'Brien to the Hon. Thomas Jefferson. Algiers, June 13, 1789.

"The cruisers had orders to take the Danes; but I believe Denmark, suspecting that on account of their alliance with Russia, that the grand seignior would order the regency of Algiers to make war against the Danes; accordingly, the Danes have evacuated the Mediterranean seas, until the affairs of Europe are more settled. The Danish ship with the tribute is shortly expected. She is worth fifty thousand dollars; so that the Algerines will not make known publicly their intention of breaking with Denmark, until this ship arrives with the tribute. I am very sure that Mr. Robindar is very sensible of the intention of those sea-robbers, the terror and scourge of the Christians. The reason the Algerines have not committed any depredations on the English, is, that the cruisers have not met with any of them richly loaded; for if they had met a rich ship from London for Livorna, they would certainly have brought her into port, and said that such ship was loaded for the enemy of Algiers at Livorna; but if that was not a sufficient excuse, hove overboard or clipt the pass.

"Consul Logie has been treated with much contempt by the Algerine ministry; and you may depend, that when the dey goes to his long home, that his successor will not renew the peace with Great Britain, without a large sum of money is paid, and very valuable presents. This I well know; the whole ministry says, that the peace with the English is very old, and that the English must conform to the custom of other nations, in giving the government here money and presents. In fact, the Algerines are trying their endeavors to find some nation to break the peace with them. I think, if they had treated the English in such a manner as they have the French, that the English would resent it."

Extract of a Letter from Richard O'Brien to the Hon. Thomas Jefferson. Algiers, June 13, 1789.

"What dependence or faith could be given to a peace with the Algerines, considering their present haughtiness, and with what contempt and derision do they treat all nations; so that, in my opinion, until the Algerines more strictly adhere to the treaties they have already made, it would be impolitic in any nation to try to make a peace here; for I see they take more from the nations they are at peace with, than from those they are at declared war with. The Portuguese, I hope, will keep the Algerines inside the straits; for only consider the bad consequence of the Algerines going into the mar Grandi. Should the Portuguese make a sudden peace with this regency, the Algerines would immediately go out of the straits, and of course, take many an American."

No. 5.—*Extract of a Letter from the Hon. John Adams, Esq., Minister Plenipotentiary of the United States at the Court of Great Britain, to the Hon. John Jay, Esq., Secretary for Foreign Affairs. February* 16, 1786.

"The American commerce can be protected from these Africans only by negotiation, or by war. If presents should be exacted from us, as ample as those which are given by England, the expense may amount to sixty thousand pounds sterling a year, an enormous sum to be sure; but infinitely less than the expense of fighting. Two frigates of 30 guns each would cost as much to fit them for the sea, besides the accumulating charges of stores, provisions, pay, and clothing. The powers of Europe generally send a squadron of men of war with their ministers, and offer battle at the same time that they propose treaties and promise presents."

No. 6.—*Several statements of the Marine force of Algiers.—Public and private.*

May 20, 1786.—Mr. Lamb says it consists of

9 Chebecs } from 36 to 8 guns; manned, the largest with 400 men, and so
10 Row Galleys } in proportion.

May 27, 1787.—Mr. Randall furnishes two statements, viz.:

A more general one—1 Setye of 34 guns.
2 " " 32 "
1 " " 26 "
1 " " 24 "
1 Chebec 20 "
1 " " 18 "
1 " " 10 "
8

4 half-galleys, carrying from 120 to 130 Moors.
3 galliots of 70, 60, and 50 Moors.

A more particular one as follows:

1 of 32	guns,	viz.	2 eighteens,	24 nines,	6 fours,	and	450 men.
1 of 28	"	"	2 twelves,	24 "	2 sixes,	"	400 "
1 of 24	"	"		20 fours,		"	350 "
1 of 20	"	"		20 sixes,		"	300 "
2 of 18	"	"		18 "		"	260 "
1 of 16	"	"		16 "		"	250 "
2 small craft.							
9							

55 gun-boats, carrying 1 twelve pounder each, for defence of the harbor.

June 8, 1786.—A letter from the three American captains, O'Brien, Coffin, and Stephens, state them as 1 of 32
1 of 30
3 of 24
3 of 18
1 of 12
9 and 55 gun-boats.

September 25, 1787.—Captain O'Brien furnishes the following statement:

	1 of 30	guns,	400	men,	106	feet	length,	straight	keel.
	1 of 26	"	320	"	96	"	"	"	"
	2 of 22	"	240	"	80	"	"	"	"
	1 of 22	"	240	"	75	"	"	"	"
	1 of 22	"	240	"	70	"	"	"	"
	1 of 18	"	200	"	70	"	"	"	"
	1 of 16	"	180	"	64	"	"	"	"
	1 of 12	"	150	"	50	"	"	"	"
	9								
Galleys	1 of 4	"	70	"	40	"	"	"	"
	2 of 2	"	46	"	32	"	"	"	"
	1 of 2	"	40	"	32	"	"	"	"

February 5, 1788.—Statement by the inhabitants of Algiers, spoken of in the report.

9 vessels from 36 down to 20 guns.
4 or 5 smaller.

About this date the Algerines lost two or three vessels, stranded or taken.

December, 1789.—Captain O'Brien furnishes the latest statement.

1 ship of 24 guns, received lately from France.
5 large cruisers.
6 3 galleys, and 60 gun-boats.

In the fall of 1789, they laid the keel of a 40 gun frigate, and they expect two cruisers from the grand seignior.

No. 7.—*Translation of a Letter from Count D'Estaing to the Hon. Thomas Jefferson, Esq. Paris, May* 17, 1784.

Sir,—In giving you an account of an opinion of Mr. Massiac, and which absolutely corresponds with my own, I cannot too much observe how great a difference may take place in the course of forty years between the means which he required and those which political circumstances, that I cannot ascertain, may exact.

This Secretary of State, afterwards vice-Admiral, had the modesty, when a captain, to propose a means for the reduction of Algiers, less brilliant to himself, but more sure and economical than the one government was about to adopt. They wanted him to undertake a bombardment; he proposed a simple blockade. All the force he requested was a single man-of-war, two strong frigates, and two sloops-of-war.

I am convinced, that by blocking up Algiers by cross-anchoring, and with a long tow, that is to say, with several cables spliced to each other, and with iron chains, one might, if necessary, always remain there, and there is no Barbarian power thus confined, which would not sue for peace.

During the war before last the English remained, even in winter, at anchor before Morbian, on the coast of Brittany, which is a much more dangerous coast. Expeditious preparation for sailing of the vessels which form the blockade, which should be of a sufficient number to prevent anything from entering or going out, while the rest remain at their stations, the choice of these stations, skilful manœuvres, strict watch during the night, every precaution against the element which every seaman ought to be acquainted with; also, against the enemy to prevent the sudden attack of boats, and to repel them in case they should make an attack by boats prepared for the purpose, frequent refreshments for the crews, relieving the men, an unshaken constancy and exactness in service, are the means, which in my opinion, would render the event indubitable. Bombardments are but transitory. It is, if I may so express myself, like breaking glass windows with guineas. None have produced effect against the barbarians. Even an imperfect blockade, were one to have the patience and courage to persist therein, would occasion a perpetual evil, it would be insupportable in the long run. To obtain the end proposed no advantage ought to be lost. If several powers would come to a good understanding, and pursue a plan formed on the principles of humanity; if they were not counteracted by others, it would require but a few years to compel the barbarians to cease being pirates; they would become merchants in spite of themselves. It is needless to observe, that the unsuccessful attempts of Spain, and those under which the republic of Venice, perhaps, hides other views, have increased the strength as well as the self-love of all the barbarians. We are assured that the Algerines have fitted out merchantmen with heavy cannon. This would render it necessary to block the place with two ships, so that one of the two might remain moored near the bar, while the other might prepare to support such of the frigates as should give chase. But their chebecs, even their frigates, and all their vessels, although overcharged with men, are moreover so badly armed and manœuvred that assistance from without would be most to be feared.

Your excellency has told me the only true means of bringing to terms the only people who can take a pleasure in disturbing our commerce. You see, I speak as an American citizen; this title, dear to my heart, the value of which I justly prize, affords me the happy opportunity of offering, still more particularly, the homage, the sincere attachment, and the respect with which I have the honor to be, &c.

ESTAING.

XIX.—*Report on the Algerine Prisoners.*

December 28, 1790.

The Secretary of State, having had under consideration the situation of the citizens of the United States in captivity at Algiers, makes the following report thereupon to the President of the United States:

When the House of Representatives, at their late session, were pleased to refer to the Secretary of State, the petition of our citizens in captivity at Algiers, there still existed some expectation that certain measures, which had been employed to effect their redemption, the success of which depended on their secrecy, might prove effectual. Information received during the recess of Congress has so far weakened those expectations, as to make it now a duty to lay before the President of the United States, a full statement of what has been attempted for the relief of these our suffering citizens, as well before, as since he came into office, that he may be enabled to decide what further is to be done.

On the 25th of July, 1785, the schooner Maria, Captain Stevens, belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincents, by an Algerine corsair; and, five days afterwards, the ship Dauphin, Captain O'Brien, belonging to Messieurs Irvins of Philadelphia, was taken by another Algerine, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews, twenty-one persons in number, were carried into Algiers.

Congress had some time before commissioned ministers plenipotentiary for entering into treaties of amity and commerce with the Barbary Powers, and to send to them proper agents for preparing such treaties. An agent was accordingly appointed for Algiers, and his instructions prepared, when the Ministers Plenipotentiary received information of these captures. Though the ransom of captives was not among the objects expressed in their commissions, because at their dates the case did not exist, yet they thought it their duty to undertake that ransom, fearing that the captives might be sold and dispersed through the interior and distant countries of Africa, if the previous orders of Congress should be waited for. They therefore added a supplementary instruction to the agent to negotiate their ransom. But, while acting thus without authority, they thought themselves bound to offer a price so moderate as not to be disapproved. They therefore restrained him to two hundred dollars a man; which was something less than had been just before paid for about three hundred French captives, by the Mathurins, a religious order of

France, instituted in ancient times for the redemption of Christian captives from the infidel Powers. On the arrival of the agent at Algiers, the dey demanded fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and could be brought to abate but little from that demand. The agent, therefore, returned in 1786, without having effected either peace or ransom.

In the beginning of the next year, 1787, the Minister Plenipotentiary of the United States at Paris procured an interview with the general of the religious order of Mathurins, before mentioned, to engage him to lend his agency, at the expense of the United States, for the redemption of their captive citizens. He proffered at once all the services he could render, with the liberality and the zeal which distinguish his character. He observed, that he had agents on the spot, constantly employed in seeking out and redeeming the captives of their own country; that these should act for us, as for themselves; that nothing could be accepted for their agency; and that he would only expect that the price of redemption should be ready on our part, so as to cover the engagement into which he should enter. He added, that, by the time all expenses were paid, their last redemption had amounted to near two thousand five hundred livres a man, and that he could by no means flatter us that they could redeem our captives as cheap as their own. The pirates would take advantage of its being out of their ordinary line. Still he was in hopes they would not be much higher.

The proposition was then submitted to Congress, that is to say, in February, 1787, and on the 19th of September, in the same year, their Minister Plenipotentiary at Paris received their orders to embrace the offers of the Mathurins. This he immediately notified to the general, observing, however, that he did not desire him to enter into any engagements till a sufficient sum to cover them should be actually deposited in Paris. The general wished that the whole might be kept rigorously secret, as, should the barbarians suspect him to be acting for the United States, they would demand such sums as he could never agree

to give, even with our consent, because it would injure his future purchases from them. He said he had information from his agent at Algiers, that our captives received so liberal a daily allowance as to evince that it came from a public source. He recommended that this should be discontinued; engaging that he would have an allowance administered to them, much short indeed of what they had hitherto received, but such as was given to his own countrymen, quite sufficient for physical necessities, and more likely to prepare the opinion, that as they were subsisted by his charity, they were to be redeemed by it also. These ideas, suggested to him by the danger of raising his market, were approved by the Minister Plenipotentiary; because, this being the first instance of a redemption by the United States, it would form a precedent, because a high price given by us might induce these pirates to abandon all other nations in pursuit of Americans; whereas, the contrary would take place, could our price of redemption be fixed at the lowest point.

To destroy, therefore, every expectation of a redemption by the United States, the bills of the Spanish consul at Algiers, who had made the kind advances before spoken of for the sustenance of our captives, were not answered. On the contrary, a hint was given that these advances had better be discontinued, as it was not known that they would be reimbursed. It was necessary even to go further, and to suffer the captives themselves and their friends to believe for awhile, that no attention was paid to them, no notice taken of their letters. They are still under this impression. It would have been unsafe to trust them with a secret, the disclosure of which might forever prevent their redemption, by raising the demands of the captors to sums which a due regard for our seamen, still in freedom, would forbid us to give. This was the most trying of all circumstances, and drew from them the most afflicting reproaches.

It was a twelvemonth afterwards before the money could be deposited in Paris, and the negotiation be actually put into train. In the meantime the general had received information from Algiers of a very considerable change of prices there. Within the

last two or three years the Spaniards, the Neapolitans, and the Russians, had redeemed at exorbitant sums. Slaves were become scarce, and would hardly be sold at any price. Still he entered on the business with an assurance of doing the best in his power; and he was authorized to offer as far as three thousand livres, or five hundred and fifty-five dollars a man. He wrote immediately to consult a confidential agent at Marseilles, on the best mode of carrying this business into effect; from whom he received the answer No. 2, hereto annexed.

Nothing further was known of his progress or prospects, when the House of Representatives were pleased, at their last session, to refer the petition of our captives at Algiers to the Secretary of State. The preceding narrative shows that no report could have then been made without risking the object, of which some hopes were still entertained. Later advices, however, from the chargé des affaires of the United States, at Paris, informs us, that these measures, though not yet desperate, are not to be counted on. Besides the exorbitance of price, before feared, the late transfer of the lands and revenues of the clergy in France to the public, by withdrawing the means, seems to have suspended the proceedings of the Mathurins in the purposes of their institution.

It is time, therefore, to look about for something more promising, without relinquishing, in the meanwhile, the chance of success through them. Endeavors to collect information, which have been continued a considerable time, as to the ransoms which would probably be demanded from us, and those actually paid by other nations, enable the Secretary of State to lay before the President the following short view, collected from original papers now in his possession, or from information delivered to him personally. Passing over the ransoms of the Mathurins, which are kept far below the common level by special circumstances:

In 1786, the dey of Algiers demanded from our agent $59,496 for twenty-one captives, which was $2,833 a man. The agent flattered himself they could be ransomed for $1,200 apiece. His secretary informed us, at the same time, that Spain had paid $1,600.

In 1787, the Russians redeemed at $1,546 a man.

In 1788, a well-informed inhabitant of Algiers assured the Minister Plenipotentiary of the United States at Paris, that no nation had redeemed, since the Spanish treaty, at less than from £250 to £300 sterling, the medium of which is $1,237. Captain O'Brien, at the same date, thinks we must pay $1,800, and mentions a Savoy captain, just redeemed at $4,074.

In 1789, Mr. Logie, the English consul at Algiers, informed a person who wished to ransom one of our common sailors, that he would cost from £450 to £500 sterling, the mean of which is $2,137. In December of the same year, Captain O'Brien thinks our men will now cost $2,290 each, though a Jew merchant believes he could get them for $2,264.

In 1790, July 9th, a Mr. Simpson, of Gibraltar, who, at some particular request, had taken pains to find for what sum our captives could be redeemed, finds that the fourteen will cost $34,-79 228, which is $2,485 a man. At the same date, one of them, a Scotch boy, a common mariner, was actually redeemed at 8,000 livres, equal to $1,481, which is within nineteen dollars of the price Simpson states for common men; and the chargé des affaires of the United States at Paris is informed that the whole may be redeemed at that rate, adding fifty per cent. on the captains, which would bring it to $1,571 a man.

It is found then that the prices are 1,200, 1,237, 1,481, 1,546, 1,571, 1,600, 1,800, 2,137, 2,264, 2,485, 2,833, and 2,920 dollars a man, not noticing that of $4,074, because it was for a captain.

In 1786, there were 2,200 captives in Algiers, which, in 1789, had been reduced by death or ransom to 655. Of ours six have died, and one has been ransomed by his friends.

From these facts and opinions, some conjecture may be formed of the terms on which the liberty of our citizens may be obtained.

But should it be thought better to repress force by force, another expedient for their liberation may perhaps offer. Captures made on the enemy may perhaps put us into possession of some of their mariners, and exchange be substituted for ransom. It is not indeed a fixed usage with them to exchange prisoners. It is

rather their custom to refuse it. However, such exchanges are sometimes effected, by allowing them more or less of advantage. They have sometimes accepted of two Moors for a Christian, at others they have refused five or six for one. Perhaps Turkish captives may be objects of greater partiality with them, as their government is entirely in the hands of Turks, who are treated in every instance as a superior order of beings. Exchange, too, will be more practicable in our case, as our captives have not been sold to private individuals, but are retained in the hands of the Government.

The liberation of our citizens has an intimate connection with the liberation of our commerce in the Mediterranean, now under the consideration of Congress. The distresses of both proceed from the same cause, and the measures which shall be adopted for the relief of the one, may, very probably, involve the relief of the other.

XX.—*The Secretary of State, to whom was referred by the House of Representatives, the representation from the General Court of the Commonwealth of Massachusetts, on the subjects of the cod and whale fisheries, together with the several papers accompanying it, has had the same under consideration, and thereupon makes the following report:*

February 1, 1791.

The representation sets forth that, before the late war, about four thousand seamen, and about twenty-four thousand tons of shipping, were annually employed from that State, in the whale fishery, the produce whereof was about three hundred and fifty thousand pounds lawful money a year.

That, previous to the same period, the cod fishery of that State employed four thousand men, and twenty-eight thousand tons of shipping, and produced about two hundred and fifty thousand pounds a year.

That these branches of business, annihilated during the war, have been, in some degree, recovered since; but that they labor

under many and heavy embarrassments, which, if not removed, or lessened, will render the fisheries every year less extensive and important.

That these embarrassments are, heavy duties on their produce abroad, and bounties on that of their competitors; and duties at home on several articles, particularly used in the fisheries.

And it asks that the duties be taken off; that bounties be given to the fishermen; and the national influence be used abroad, for obtaining better markets for their produce.

The cod and whale fisheries, carried on by different persons, from different ports, in different vessels, in different seas. and seeking different markets, agree in one circumstance, in being as unprofitable to the adventurer, as important to the public. A succinct view of their rise, progress, and present state, with different nations, may enable us to note the circumstances which have attended their prosperity, and their decline; to judge of the embarrassments which are said to oppress ours; to see whether they depend on our own will, and may, therefore, be remedied immediately by ourselves, or, whether depending on the will of others, they are without the reach of remedy from us, either directly or indirectly.

Their history being as unconnected as their practice, they shall be separately considered.

Within twenty years after the supposed discovery of Newfoundland, by the Cabots, we find that the abundance of fish on its banks, had already drawn the attention of the people of Europe. For, as early as 1517, or 1519, we are told of fifty ships being seen there at one time. The first adventurers in that fishery were the Biscayans, of Spain, the Basques and Bas-Bretons, of France, all united anciently in language, and still in habits, and in extreme poverty. The last circumstance enabled them long to retain a considerable share of the fishery. In 1577, the French had one hundred and fifty vessels there; the Spaniards had still one hundred, and the Portuguese fifty, when the English had only fifteen. The Spaniards and Portuguese seem at length to have retired silently, the French and English claim-

ing the fishery exclusively, as an appurtenance to their adjacent colonies, and the profits being too small for nations surcharged with the precious metals proceeding from their mines.

Without materials to trace the intermediate progress, we only know that, so late as 1744, the French employed there five hundred and sixty-four ships, and twenty-seven thousand five hundred seamen, and took one million two hundred and forty-six thousand quintals of fish, which was three times the extent to which England and her colonies together, carried this fishery at that time.

The English, in the beginning of the seventeenth century, had employed, generally, about one hundred and fifty vessels in the Newfoundland fishery. About 1670 we find them reduced to eighty, and one hundred, the inhabitants of New England beginning now to supplant them. A little before this, the British Parliament perceiving that their citizens were unable to subsist on the scanty profits which sufficed for their poorer competitors, endeavored to give them some advantage by prohibiting the importation of foreign fish; and, at the close of the century, they formed some regulations for their government and protection, and remitted to them some duties. A successful war enabled them, in 1713, to force from the French a cession of the Island of Newfoundland; under these encouragements, the English and American fisheries began to thrive. In 1731 we find the English take two hundred thousand quintals of fish, and the Americans two hundred and thirty thousand, besides the refuse fish, not fit for European markets. They continue to gain ground, and the French to lose it, insomuch that, about 1755, they are said to have been on a par; and, in 1768, the French have only two hundred and fifty-nine vessels, of twenty-four thousand four hundred and twenty tons, nine thousand seven hundred and twenty-two seamen, taking two hundred thousand quintals, while America alone, for some three or four years before that, and so on, to the commencement of the late war, employed six hundred and sixty-five vessels, of twenty-five thousand six hundred and fifty tons, and four thousand four hundred and five seamen, and

took from three hundred and fifty thousand to upwards of four hundred thousand quintals of fish, and England a still greater quantity, five hundred and twenty-six thousand quintals, as is said.

Spain had formally relinquished her pretensions to a participation in these fisheries, at the close of the preceding war; and, at the end of this, the adjacent continent and islands being divided between the United States, the English and French, (for the last retained two small islands merely for this object,) the right of fishing was appropriated to them also.

France, sensible of the necessity of balancing the power of England on the water, and, therefore, of improving every resource for raising seamen, and seeing that her fishermen could not maintain their competition without some public patronage, adopted the experiment of bounties on her own fish, and duties on that of foreign nations brought into her markets. But, notwithstanding this, her fisheries dwindle, from a change taken place, insensibly, in the character of her navigation, which, from being the most economical, is now become the most expensive. In 1786, she is said to have employed but seven thousand men in this fishery, and to have taken four hundred and twenty-six thousand quintals; and, in 1787, but six thousand men, and one hundred and twenty-eight thousand quintals. She seems not yet sensible that the unthriftiness of her fisheries proceeds from the want of economy, and not the want of markets; and that the encouragement of our fishery abridges that of a rival nation, whose power on the ocean has long threatened the loss of all balance on that element.

The plan of the English Government, since the peace, has been to prohibit all foreign fish in their markets, and they have given from eighteen to fifty thousand pounds sterling on every fishing vessel complying with certain conditions. This policy is said to have been so far successful, as to have raised the number of seamen employed in that business, in 1786, to fourteen thousand, and the quantity of fish taken, to 732,000 quintals. *

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The fisheries of the United States, annihilated during the war; their vessels, utensils, and fishermen destroyed; their markets in the Mediterranean and British America lost, and their produce dutied in those of France; their competitors enabled by bounties to meet and undersell them at the few markets remaining open, without any public aid, and, indeed, paying aids to the public;—such were the hopeless auspices under which this important business was to be resumed. Yet it was resumed, and, aided by the mere force of natural advantages, they employed, during the years 1786, 1787, 1788, and 1789, on an average, five hundred and thirty-nine vessels, of nineteen thousand one hundred and eighty-five tons, three thousand two hundred and eighty-seven seamen, and took two hundred and fifty thousand six hundred and fifty quintals of fish. * * * And an official paper * * shows that, in the last of those years, our exportation amounted to three hundred and seventy-five thousand and twenty quintals, and thirty thousand four hundred and sixty-one barrels; deduction made of three thousand seven hundred and one quintals, and six thousand three hundred and forty-three barrels of foreign fish, received and re-exported. * * Still, however, the calculations * * which accompany the representation, show that the profits of the sales in the years 1787 and 1788, were too small to afford a living to the fishermen, and on those of 1789, there was such a loss as to withdraw thirty-three vessels, of the town of Marblehead alone, from the further pursuit of this business; and the apprehension is, that, without some public aid, those still remaining will continue to withdraw, and this whole commerce be engrossed by a single nation.

This rapid view of the cod fishery enables us to discern under what policy it has flourished or declined in the hands of other nations, and to mark the fact, that it is too poor a business to be left to itself, even with the nation most advantageously situated.

It will now be proper to count the advantages which aid, and the disadvantages which oppose us, in this conflict.

Our advantages are—

1. The neighborhood of the great fisheries, which permits our fishermen to bring home their fish to be salted by their wives and children.

2. The shore fisheries, so near at hand, as to enable the vessels to run into port in a storm, and so lessen the risk, for which distant nations must pay insurance.

3. The winter fisheries, which, like household manufactures employ portions of time, which would otherwise be useless.

4. The smallness of the vessels, which the shortness of the voyage enables us to employ, and which, consequently, require but a small capital.

5. The cheapness of our vessels, which do not cost above the half of the Baltic fir vessels, computing price and duration.

6. Their excellence as sea boats, which decreases the risk and quickens the return.

7. The superiority of our mariners in skill, activity, enterprise, sobriety, and order.

8. The cheapness of provisions.

9. The cheapness of casks, which, of itself, is said to be equal to an extra profit of fifteen per cent.

These advantages are of such force, that, while experience has proved that no other nation can make a mercantile profit on the Newfoundland fishery, nor can support it without national aid, we can make a living profit, if vent for our fish can be procured.

Of the disadvantages opposed to us, those which depend on ourselves, are—

Tonnage and naval duties on the vessels employed in the fishery.

Impost duties on salt.

On tea, rum, sugar, molasses, hooks, lines, and leads, duck, cordage, and cables, iron, hemp, and twine, used in the fishery; coarse woollens, worn by the fishermen, and the poll tax levied by the State on their persons. The statement No. 6, shows the amount of these, exclusive of the State tax and drawback on the fish exported, to be $5 25 per man, or $57 75 per vessel of

sixty-five tons. When a business is so nearly in equilibrio that one can hardly discern whether the profit be sufficient to continue it or not, smaller sums than these suffice to turn the scale against it. To these disadvantages, add ineffectual duties on the importation of foreign fish. In justification of these last, it is urged that the foreign fish received, is in exchange for the produce of agriculture. To which it may be answered, that the thing given, is more merchantable than that received in exchange, and agriculture has too many markets to be allowed to take away those of the fisheries. It will rest, therefore, with the wisdom of the Legislature to decide, whether prohibition should not be opposed to prohibition, and high duty to high duty, on the fish of other nations; whether any, and which, of the naval and other duties may be remitted, or an equivalent given to the fisherman, in the form of a drawback, or bounty; and whether the loss of markets abroad, may not, in some degree, be compensated, by creating markets at home; to which might contribute the constituting fish a part of the military ration, in stations not too distant from navigation, a part of the necessary sea stores of vessels, and the encouraging private individuals to let the fishermen share with the cultivator, in furnishing the supplies of the table. A habit introduced from motives of patriotism, would soon be followed from motives of taste; and who will undertake to fix the limits to this demand, if it can be once excited, with a nation which doubles, and will continue to double, at very short periods?

Of the disadvantages which depend on others, are—

1. The loss of the Mediterranean markets.
2. Exclusions from the markets of some of our neighbors.
3. High duties in those of others; and,
4. Bounties to the individuals in competition with us.

The consideration of these will find its place more aptly, after a review of the condition of our whale fishery shall have led us to the same point. To this branch of the subject, therefore, we will now proceed.

The whale fishery was first brought into notice of the southern

nations of Europe, in the fifteenth century, by the same Biscayans and Basques who led the way to the fishery of Newfoundland. They began it on their own coasts, but soon found that the principal residence of the whale was in the Northern seas, into which, therefore, they pursued him. In 1578 they employed twenty-five ships in that business. The Dutch and Hamburghers took it up after this, and about the middle of the seventeenth century the former employed about two hundred ships, and the latter about three hundred and fifty.

The English endeavored also to participate of it. In 1672, they offered to their own fishermen a bounty of six shillings a ton, on the oil they should bring home, and instituted, at different times, different exclusive companies, all of which failed of success. They raised their bounty, in 1733, to twenty shillings a ton, on the admeasurement of the vessel. In 1740, to thirty shillings, with a privilege to the fishermen against being impressed. The Basque fishery, supported by poverty alone, had maintained but a feeble existence, before competitors aided by the bounties of their nation, and was, in fine, annihilated by the war of 1745, at the close of which the English bounty was raised to forty shillings. From this epoch, their whale fishery went on between the limits of twenty-eight and sixty-seven vessels, till the commencement of the last war.

The Dutch, in the meantime, had declined gradually to about one hundred and thirty ships, and have, since that, fallen down to less than half that number. So that their fishery, notwithstanding a bounty of thirty florins a man, as well as that of Hamburg, is now nearly out of competition.

In 1715, the Americans began their whale fishery. They were led to it at first by the whales which presented themselves on their coasts. They attacked them there in small vessels of forty tons. As the whale, being infested, retired from the coast, they followed him farther and farther into the ocean, still enlarging their vessels with their adventures, to sixty, one hundred, and two hundred tons. Having extended their pursuit to the Western Islands, they fell in, accidentally, with the spermaceti

whale, of a different species from that of Greenland, which alone had hitherto been known in commerce; more fierce and active, and whose oil and head matter was found to be more valuable, as it might be used in the interior of houses without offending the smell. The distinction now first arose between the Northern and Southern fisheries; the object of the former being the Greenland whale, which frequents the Northern coasts and seas of Europe and America; that of the latter being the spermaceti whale, which was found in the Southern seas, from the Western Islands and coast of Africa, to that of Brazil, and still on to the Falkland Islands. Here, again, within soundings, on the coast of Brazil, they found a third species of whale, which they called the black or Brazil whale, smaller than the Greenland, yielding a still less valuable oil, fit only for summer use, as it becomes opaque at 50 degrees of Fahrenheit's termometer, while that of the spermaceti whale is limpid to 41, and of the Greenland whale to 36, of the same thermometer. It is only worth taking, therefore, when it falls in the way of the fishermen, but not worth seeking, except when they have failed of success against the spermaceti whale, in which case, this kind, easily found and taken, serves to moderate their loss.

In 1771 the Americans had one hundred and eighty-three vessels, of thirteen thousand eight hundred and twenty tons, in the Northern fishery, and one hundred and twenty-one vessels, of fourteen thousand and twenty tons, in the Southern, navigated by four thousand and fifty-nine men. At the beginning of the late war, they had one hundred and seventy-seven vessels in the Northern, and one hundred and thirty-two in the Southern fishery. At that period, our fishery being suspended, the English seized the opportunity of pushing theirs. They gave additional bounties of £500, £400, £300, £200, £100 sterling, annually, to the five ships which should take the greatest quantities of oil. The effect of which was such, as, by the year 1786, to double the quantity of common oil necessary for their own consumption. Finding, on a review of the subject, at that time, that their bounties had cost the Government £13 10*s.* sterling a man, annually,

or sixty per cent. on the cargoes, a part of which went consequently to ease the purchases of this article made by foreign nations, they reduced the northern bounty from forty to thirty shillings the ton of admeasurement.

They had, some little time before, turned their attention to the Southern fishery, and given very great bounties in it, and had invited the fishermen of the United States to conduct their enterprises. Under their guidance, and with such encouragement, this fishery, which had only begun with them in 1784 or 1785, was rising into value. In 1788 they increased their bounties, and the temptations to our fishermen, under the general description of *foreigners who had been employed in the whale fishery*, to pass over with their families and vessels to the British dominions, either in America or Europe, but preferably to the latter. The effect of these measures had been prepared, by our whale oils becoming subject, in their market, to the foreign duty of £18 5*s*. sterling the ton, which, being more than equal to the price of the common oil, operated as a prohibition on that, and gave to their spermaceti oil a preference over ours to that amount.

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The fishermen of the United States, left without resource, by the loss of their market, began to think of accepting the British invitation, and of removing, some to Nova Scotia, preferring smaller advantages in the neighborhood of their ancient country and friends, others to Great Britain, postponing country and friends to high premiums.

The Government of France could not be inattentive to these proceedings. They saw the danger of letting four or five thousand seamen, of the best in the world, be transferred to the marine strength of another nation, and carry over with them an art, which they possessed almost exclusively. To give time for a counterplan, the Marquis de Lafayette, the valuable friend and citizen of this, as well as that country, wrote to a gentleman in Boston, to dissuade the fishermen from accepting the British proposals, and to assure them that their friends in France would en-

deavor to do something for them. A vessel was then arrived from Halifax at Nantucket, to take off those who had proposed to remove. Two families had gone abroad, and others were going. In this moment, the letter arriving, suspended their designs. Not another went abroad, and the vessel returned to Halifax with only the two families.

The plan adopted by the French ministry, very different from that of the first mover, was to give a counter invitation to the Nantucket men to remove and settle in Dunkirk, offering them a bounty of fifty livres (between nine and ten dollars) a ton on the admeasurement of the vessels they should equip for the whale fishery, with some other advantages. Nine families only, of thirty-three persons, accepted the invitation. This was in 1785. In 1786, the ministry were led to see that their invitation would produce but little effect, and that the true means of preventing the emigration of our fishermen to the British dominions would be to enable them still to follow their calling from their native country, by giving them a new market for their oils, instead of the old one they had lost. The duties were, therefore, abated on American whale oil immediately, and a further abatement promised by the letter No. 8, and, in December, 1787, the arrêt No. 9 was passed.

The rival fishermen immediately endeavored to turn this measure to their own advantage, by pouring their whale oils into the markets of France, where they were enabled, by the great premiums received from their Government, perhaps, too, by extraordinary indemnifications, to undersell both the French and American fishermen. To repel this measure, France shut her ports to all foreign fish oils whatever, by the arrêt No. 10. The British whale fishery fell, in consequence, the ensuing year from two hundred and twenty-two to one hundred and seventy-eight ships. But this general exclusion has palsied our fishery also. On the 7th of December, 1788, therefore, by the arrêt No. 11, the ports of France still remaining shut to all other nations, were again opened to the produce of the whale fisheries of the United States, continuing, however, their endeavors to recover a share

in this fishery themselves, by the aid of our fishermen. In 1784, 1785, 1786, they had had four ships. In 1787, three. In 1788, seventeen in the two fisheries of four thousand five hundred tons. These cost them in bounty 225,000 livres, which divided on one thousand five hundred and fifty tons of oil, the quantity they took, amounted to 145 livres (near twenty-seven dollars) the ton, and, on about one hundred natives on board the seventeen ships, (for there were one hundred and fifty Americans engaged by the voyage) came to 2,225 livres, or about 416⅔ dollars a man.

We have had, during the years 1787, 1788 and 1789, on an average, ninety-one vessels, of five thousand eight hundred and twenty tons, in the northern, and thirty-one of four thousand three hundred and ninety tons in the southern fishery. * *

These details will enable Congress to see with what a competition we have to struggle for the continuance of this fishery, not to say its increase. Against prohibitory duties in one country, and bounties to the adventurers in both of those which are contending with each other for the same object, ours have no auxiliaries, but poverty and rigorous economy. The business, unaided, is a wretched one. The Dutch have peculiar advantages for the northern fishery, as being within six or eight days' sail of the grounds, as navigating with more economy than any other nation in Europe, their seamen content with lower wages, and their merchants with lower profit. Yet the memorial No. 13, from a committee of the whale merchants to the States General of Holland, in the year 1775, states that fourteen millions of guilders, equal to five million six hundred thousand dollars, has been lost in that fishery in forty-seven years, being about one hundred and twenty thousand dollars a year. The States General, thereupon, gave a bounty of thirty guilders a man to the fishermen. A person immediately acquainted with the British whale fishery, and whose information merits confidence, has given assurance that the ships employed in their northern fishery, in 1788, sunk £800 each, on an average, more than the amount of the produce and bounties. An English ship of three

hundred tons and forty-two seamen, in this fishery, generally brings home, after a four months' voyage, twenty-five tons of oil, worth £437 10*s.* sterling; but the wages of the officers and seamen will be £400; there remain but £37 10*s.*, not worth taking into account, towards the outfit and merchants' profit. These, then, must be paid by the Government; and it is on this idea that the British bounty is calculated.

Our vessels for the northern fishery average sixty-four tons, and cost, when built, fitted out, and victualled for the first voyage, about three thousand dollars. They have taken, on an average, the three last years, according to the statement No. 12, eighteen tons of oil, worth, at our market, nine hundred dollars, which are to pay all expenses, and subsist the fishermen and merchant. Our vessels for the southern fishery average one hundred and forty tons, and cost, when built, fitted out, and victualled, for their first voyage, about six thousand five hundred dollars. They have taken on an average, the three last years, according to the same statement, thirty-two tons of oil each, worth at our market three thousand two hundred dollars, which are, in like manner, to pay all expenses, and subsist the owners and navigators. These expenses are great, as the voyages are generally of twelve months' duration. No hope can arise of their condition being bettered by an augmentation of the price of oil. This is kept down by the competition of the vegetable oils, which answer the same purposes, not quite so well, but well enough to become preferable, were the price to be raised, and so well, indeed, as to be more generally used than the fish oils for lighting houses and cities.

The American whale fishery is principally followed by the inhabitants of the island of Nantucket—a sand bar of about fifteen miles long, and three broad, capable of maintaining, by its agriculture, about twenty families; but it employed in these fisheries, before the war, between five or six thousand men and boys; and, in the only harbor it possesses, it had one hundred and forty vessels, one hundred and thirty-two of which were of the larger kind, as being employed in the southern fishery. In

agriculture, then, they have no resource; and, if that of their fishery cannot be pursued from their own habitations, it is natural they should seek others from which it can be followed, and preferably those where they will find a sameness of language, religion, laws, habits, and kindred. A foreign emissary has lately been among them, for the purpose of renewing the invitations to a change of situation. But, attached to their native country, they prefer continuing in it, if their continuance there can be made supportable.

This brings us to the question, what relief does the condition of this fishery require?

1. A remission of duties on the articles used for their calling.

2. A retaliating duty on foreign oils, coming to seek a competion with them in or from our ports.

3. Free markets abroad.

1. The remission of duties will stand on nearly the same ground with that to the cod fishermen.

2. The only nation whose oil is brought hither for competition with our own, makes ours pay a duty of about eighty-two dollars the ton, in their ports. Theirs is brought here, too, to be reshipped fraudulently, under our flag, into ports where it could not be received under theirs, and ought not to be covered by ours, if we mean to preserve our own admission into them.

The 3d and principal object is to find markets for the vent of oil.

Portugal, England, Holland, Sweden, Denmark, Prussia, Russia, the Hanse towns, supply themselves and something more. Spain and Italy receive supplies from England, and need the less, as their skies are clearer. France is the only country which can take our surplus, and they take principally of the common oil; as the habit is but commencing with them of ascribing a just value to spermaceti whale. Some of this, however, finds its vent there. There was, indeed, a particular interest perpetually soliciting the exclusion of our oils from their markets. The late government there saw well that what we should

lose thereby would be gained by others, not by themselves. And we are to hope that the present government, as wise and friendly, will also view us, not as rivals, but as co-operators against a common rival. Friendly arrangements with them, and accommodation to mutual interest, rendered easier by friendly dispositions existing on both sides, may long secure to us this important resource for our seamen. Nor is it the interest of the fisherman alone, which calls for the cultivation of friendly arrangements with that nation; besides five-eights of our whale oil, and two-thirds of our salted fish, they take from us one-fourth of our tobacco, three-fourths of our live stock * * a considerable and growing portion of our rice, great supplies, occasionally, of other grain; in 1789, which, indeed, was extraordinary, four millions of bushels of wheat, and upwards of a million of bushels of rye and barley * * and nearly the whole carried in our own vessels. * * They are a free market now, and will, in time, be a valuable one for ships and ship timber, potash, and peltry.

England is the market for the greatest part of our spermaceti oil. They impose on all our oils a duty of eighteen pounds five shillings sterling the ton, which, as to the common kind, is a prohibition, as has been before observed, and, as to the spermaceti, gives a preference of theirs over ours to that amount, so as to leave, in the end, but a scanty benefit to the fishermen; and, not long since, by a change of construction, without any change of law, it was made to exclude our oils from their ports, when carried in our vessels. On some change of circumstance, it was construed back again to the reception of our oils, on paying always, however, the same duty of eighteen pounds five shillings. This serves to show that the tenure by which we hold the admission of this commodity in their markets, is as precarious as it is hard. Nor can it be announced that there is any disposition on their part to arrange this or any other commercial matter, to mutual convenience. The *ex parte* regulations which they have begun for mounting their navigation on the ruins of ours, can only be opposed by counter regulations on our part. And the loss of seamen, the natural consequence of lost and obstructed

markets for our fish and oil, calls, in the first place, for serious and timely attention. It will be too late when the seaman shall have changed his vocation, or gone over to another interest. If we cannot recover and secure for him these important branches of employment, it behooves us to replace them by others equivalent. We have three nurseries for forming seamen:

1. Our coasting trade, already on a safe footing.

2. Our fisheries, which, in spite of natural advantages, give just cause of anxiety.

3. Our carrying trade, our only resource of indemnification for what we lose in the other. The produce of the United States, which is carried to foreign markets, is extremely bulky. That part of it which is now in the hands of foreigners, and which we may resume into our own, without touching the rights of those nations who have met us in fair arrangements by treaty, or the interests of those who, by their voluntary regulations, have paid so just and liberal a respect to our interests, as being measured back to them again, places both parties on as good ground, perhaps, as treaties could place them—the proportion, I say, of our carrying trade, which may be resumed without affecting either of these descriptions of nations, will find constant employment for ten thousand seamen, be worth two millions of dollars, annually, will go on augmenting with the population of the United States, secure to us a full indemnification for the seamen we lose, and be taken wholly from those who force us to this act of self protection in navigation.

Hence, too, would follow, that their Newfoundland ships, not receiving provisions from us in their bottoms, nor permitted (by a law of their own) to receive in ours, must draw their subsistence from Europe, which would increase that part of their expenses in the proportion of four to seven, and so far operate as a duty towards restoring the level between them and us. The tables No. 2 and 12, will show the quantity of tonnage, and, consequently, the mass of seamen whose interests are in distress; and No. 17, the materials for indemnification.

If regulations exactly the counterpart of those established

against us, would be ineffectual, from a difference of circumstances, other regulations equivalent can give no reasonable ground of complaint to any nation. Admitting their right of keeping their markets to themselves, ours cannot be denied of keeping our carrying trade to ourselves. And if there be anything unfriendly in this, it was in the first example.

The loss of seamen, unnoticed, would be followed by other losses in a long train. If we have no seamen, our ships will be useless, consequently our ship timber, iron, and hemp; our ship building will be at an end, ship carpenters go over to other nations, our young men have no call to the sea, our produce, carried in foreign bottoms, be saddled with war-freight and insurance in times of war; and the history of the last hundred years shows, that the nation which is our carrier has three years of war for every four years of peace. (No. 18.) We lose, during the same periods, the carriage for belligerent powers, which the neutrality of our flag would render an incalculable source of profit; we lose at this moment the carriage of our own produce to the annual amount of two millions of dollars, which, in the possible progress of the encroachment, may extend to five or six millions, the worth of the whole, with an increase in the proportion of the increase of our numbers. It is easier, as well as better, to stop this train at its entrance, than when it shall have ruined or banished whole classes of useful and industrious citizens.

It will doubtless be thought expedient that the resumption suggested should take effect so gradually, as not to endanger the loss of produce for the want of transportation; but that, in order to create transportation, the whole plan should be developed, and made known at once, that the individuals who may be disposed to lay themselves out for the carrying business, may make their calculations on a full view of all circumstances.

On the whole, the historical view we have taken of these fisheries, proves they are so poor in themselves, as to come to nothing with distant nations, who do not support them from their treasury. We have seen that the advantages of our position

place our fisheries on a ground somewhat higher, such as to relieve our treasury from giving them support; but not to permit it to draw support from them, nor to dispense the government from the obligation of effectuating free markets for them; that, for the great proportion of our salted fish, for our common oil, and a part of our spermaceti oil, markets may perhaps be preserved, by friendly arrangements towards those nations whose arrangements are friendly to us, and the residue be compensated by giving to the seamen thrown out of business the certainty of employment in another branch, of which we have the sole disposal.

XXI.—*Opinion against the constitutionality of a National Bank.*

February 15, 1791.

The bill for establishing a National Bank undertakes among other things:—

1. To form the subscribers into a corporation.

2. To enable them in their corporate capacities to receive grants of land; and so far is against the laws of *Mortmain.**

3. To make alien subscribers capable of holding lands; and so far is against the laws of *alienage.*

4. To transmit these lands, on the death of a proprietor, to a certain line of successors; and so far changes the course of *Descents.*

5. To put the lands out of the reach of forfeiture or escheat; and so far is against the laws of *Forfeiture and Escheat.*

6. To transmit personal chattels to successors in a certain line; and so far is against the laws of *Distribution.*

7. To give them the sole and exclusive right of banking under the national authority; and so far is against the laws of Monopoly.

* Though the Constitution controls the laws of Mortmain so far as to permit Congress itself to hold land for certain purposes, yet not so far as to permit them to communicate a similar right to other corporate bodies.

8. To communicate to them a power to make laws paramount to the laws of the States; for so they must be construed, to protect the institution from the control of the State legislatures; and so, probably, they will be construed.

I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." [XIIth amendment.] To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.

The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States, by the Constitution.

I. They are not among the powers specially enumerated: for these are: 1st. A power to lay taxes for the purpose of paying the debts of the United States; but no debt is paid by this bill, nor any tax laid. Were it a bill to raise money, its origination in the Senate would condemn it by the Constitution.

2d. "To borrow money." But this bill neither borrows money nor ensures the borrowing it. The proprietors of the bank will be just as free as any other money holders, to lend or not to lend their money to the public. The operation proposed in the bill, first, to lend them two millions, and then to borrow them back again, cannot change the nature of the latter act, which will still be a payment, and not a loan, call it by what name you please.

3. To "regulate commerce with foreign nations, and among the States, and with the Indian tribes." To erect a bank, and to regulate commerce, are very different acts. He who erects a bank, creates a subject of commerce in its bills; so does he who makes a bushel of wheat, or digs a dollar out of the mines; yet neither of these persons regulates commerce thereby. To make a thing which may be bought and sold, is not to prescribe regulations for buying and selling. Besides, if this was an exercise of the power of regulating commerce, it would be void, as ex-

tending as much to the internal commerce of every State, as to its external. For the power given to Congress by the Constitution does not extend to the internal regulation of the commerce of a State, (that is to say of the commerce between citizen and citizen,) which remain exclusively with its own legislature; but to its external commerce only, that is to say, its commerce with another State, or with foreign nations, or with the Indian tribes. Accordingly the bill does not propose the measure as a regulation of trade, but as "productive of considerable advantages to trade." Still less are these powers covered by any other of the special enumerations.

II. Nor are they within either of the general phrases, which are the two following:—

1. To lay taxes to provide for the general welfare of the United States, that is to say, "to lay taxes for *the purpose* of providing for the general welfare." For the laying of taxes is the *power*, and the general welfare the *purpose* for which the power is to be exercised. They are not to lay taxes *ad libitum for any purpose they please;* but only *to pay the debts or provide for the welfare of the Union.* In like manner, they are not *to do anything they please* to provide for the general welfare, but only to *lay taxes* for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless.

It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.

It is an established rule of construction where a phrase will bear either of two meanings, to give it that which will allow some meaning to the other parts of the instrument, and not that which would render all the others useless. Certainly no such universal power was meant to be given them. It was intended

to lace them up straitly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. It is known that the very power now proposed *as a means* was rejected as *an end* by the Convention which formed the Constitution. A proposition was made to them to authorize Congress to open canals, and an amendatory one to empower them to incorporate. But the whole was rejected, and one of the reasons for rejection urged in debate was, that then they would have a power to erect a bank, which would render the great cities, where there were prejudices and jealousies on the subject, adverse to the reception of the Constitution.

2. The second general phrase is, "to make all laws *necessary* and proper for carrying into execution the enumerated powers." But they can all be carried into execution without a bank. A bank therefore is not *necessary*, and consequently not authorized by this phrase.

It has been urged that a bank will give great facility or convenience in the collection of taxes. Suppose this were true: yet the Constitution allows only the means which are "*necessary*," not those which are merely "convenient" for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase as to give any non-enumerated power, it will go to every one, for there is not one which ingenuity may not torture into a *convenience* in some instance *or other*, to *some one* of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power, as before observed. Therefore it was that the Constitution restrained them to the *necessary* means, that is to say, to those means without which the grant of power would be nugatory.

But let us examine this convenience and see what it is. The report on this subject, page 3, states the only *general* convenience to be, the preventing the transportation and re-transportation of money between the States and the treasury, (for I pass over the increase of circulating medium, ascribed to it as a want, and which, according to my ideas of paper money, is clearly a demerit.) Every State will have to pay a sum of tax money into the treas-

ury; and the treasury will have to pay, in every State, a part of the interest on the public debt, and salaries to the officers of government resident in that State. In most of the States there will still be a surplus of tax money to come up to the seat of government for the officers residing there. The payments of interest and salary in each State may be made by treasury orders on the State collector. This will take up the great export of the money he has collected in his State, and consequently prevent the great mass of it from being drawn out of the State. If there be a balance of commerce in favor of that State against the one in which the government resides, the surplus of taxes will be remitted by the bills of exchange drawn for that commercial balance. And so it must be if there was a bank. But if there be no balance of commerce, either direct or circuitous, all the banks in the world could not bring up the surplus of taxes, but in the form of money. Treasury orders then, and bills of exchange may prevent the displacement of the main mass of the money collected, without the aid of any bank; and where these fail, it cannot be prevented even with that aid.

Perhaps, indeed, bank bills may be a more *convenient* vehicle than treasury orders. But a little *difference* in the degree of *convenience*, cannot constitute the necessity which the constitution makes the ground for assuming any non-enumerated power.

Besides; the existing banks will, without a doubt, enter into arrangements for lending their agency, and the more favorable, as there will be a competition among them for it; whereas the bill delivers us up bound to the national bank, who are free to refuse all arrangement, but on their own terms, and the public not free, on such refusal, to employ any other bank. That of Philadelphia, I believe, now does this business, by their post-notes, which, by an arrangement with the treasury, are paid by any State collector to whom they are presented. This expedient alone suffices to prevent the existence of that *necessity* which may justify the assumption of a non-enumerated power as a means for carrying into effect an enumerated one. The thing

may be done, and has been done, and well done, without this assumption; therefore, it does not stand on that degree of *necessity* which can honestly justify it.

It may be said that a bank whose bills would have a currency all over the States, would be more convenient than one whose currency is limited to a single State. So it would be still more convenient that there should be a bank, whose bills should have a currency all over the world. But it does not follow from this superior conveniency, that there exists anywhere a power to establish such a bank; or that the world may not go on very well without it.

Can it be thought that the Constitution intended that for a shade or two of *convenience*, more or less, Congress should be authorized to break down the most ancient and fundamental laws of the several States; such as those against Mortmain, the laws of Alienage, the rules of descent, the acts of distribution, the laws of escheat and forfeiture, the laws of monopoly? Nothing but a necessity invincible by any other means, can justify such a prostitution of laws, which constitute the pillars of our whole system of jurisprudence. Will Congress be too straight-laced to carry the constitution into honest effect, unless they may pass over the foundation-laws of the State government for the slightest convenience of theirs?

The negative of the President is the shield provided by the constitution to protect against the invasions of the legislature: 1. The right of the Executive. 2. Of the Judiciary. 3. Of the States and State legislatures. The present is the case of a right remaining exclusively with the States, and consequently one of those intended by the Constitution to be placed under its protection.

It must be added, however, that unless the President's mind on a view of everything which is urged for and against this bill, is tolerably clear that it is unauthorised by the Constitution; if the pro and the con hang so even as to balance his judgment, a just respect for the wisdom of the legislature would naturally decide the balance in favor of their opinion. It is chiefly for cases

where they are clearly misled by error, ambition, or interest, that the Constitution has placed a check in the negative of the President.

XXII.—*Opinion relative to locating the Ten Mile Square for the Federal Government, and building the Federal city.*

March 11, 1791.

Objects which may merit the attention of the President, at Georgetown.

The commissioners to be called into action.

Deeds of cession to be taken from the land-holders.

Site of the capitol and President's house to be determined on.

Proclamation completing the location of the territory, and fixing the site of the capitol.

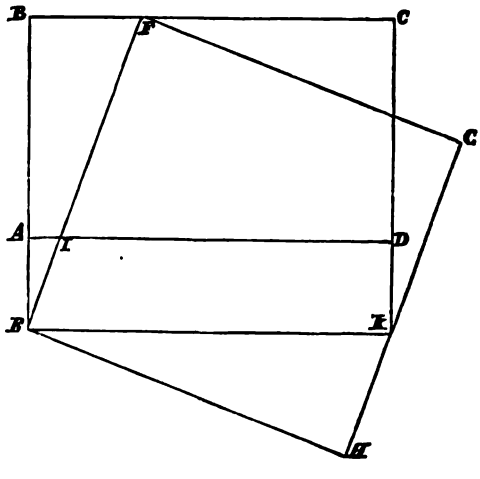
Town to be laid off. Squares of reserve are to be decided on for the capitol, President's house, offices of government, town-house, prison, market, and public walks.

Other squares for present sale designated.

Terms of sale to be settled. As there is not as yet a town legislature, and things may be done before there is one to prevent them, which yet it would be desirable to prevent, it would seem justifiable and expedient that the President should form a capitulary of such regulations as he may think necessary to be observed, until there shall be a town legislature to undertake this office; such capitulary to be indented, signed, sealed, and recorded, according to the laws of conveyance in Maryland. And to be referred to in every deed for conveyance of the lots to purchasers, so as to make a part thereof. The same thing might be effected, by inserting special covenants for every regulation in every deed; but the former method is the shortest. I cannot help again suggesting here one regulation formerly suggested, to wit: To provide for the extinguishment of fires, and the openness and convenience of the town, by prohibiting houses of excessive height. And making it unlawful to build on any one's purchase any house with more than two floors between the com-

mon level of the earth and the eaves, nor with any other floor in the roof than one at the eaves. To consider in what way the contracts for the public buildings shall be made, and whether as many bricks should not be made this summer as may employ brick-layers in the beginning of the season of 1792, till more can be made in that season.

With respect to the amendment of the location so as to include Bladensburgh, I am of opinion it may be done with the consent of the legislature of Maryland, and that that consent may be so far counted on, as to render it expedient to declare the location at once.



The location A B C D A having been once made, I consider as obligatory and unalterable, but by consent of parties, except so far as was necessary to render it practicable by a correction of the beginning. That correction might be lawfully made either by stopping at the river, or at the spring of Hunting creek, or by lengthening the course from the court-house so that the second course should strike the mouth of Hunting creek. I am of opinion, therefore, that the beginning at the mouth of Hunting creek, is legally justifiable. But I would advise the location E F G H E to be hazarded so as to include Bladensburgh,

because it is a better location, and I think will certainly be confirmed by Maryland. That State will necessarily have to pass another act confirming whatever location shall be made, because her former act authorized the delegates *then* in office, to convey the lands. But as they were not located, no conveyance has been made, and those persons are now out of office, and dispersed. Suppose the non-concurrence of Maryland should defeat the location E F G H E, it can only be done on this principle, that the first location A B C D A was valid, and unalterable, but by mutual consent. Then their non-concurrence will re-establish the first location A B C D A, and the second location will be good for the part E I D K E without their concurrence, and this will place us where we should be were we now to complete the location E B C K E. Consequently, the experiment of an amendment proposed can lose nothing, and may gain, and probably will gain, the better location.

When I say it can lose nothing, I count as nothing, the triangle A I E, which would be in neither of the locations. Perhaps this might be taken in afterwards, either with or without the consent of Virginia.

XXIII.—*Report on the policy of securing particular marks to Manufacturers, by law.*

December 9, 1791.

The Secretary of State, to whom was referred by the House of Representatives the petition of Samuel Breck and others, proprietors of a sail-cloth manufactory in Boston, praying that they may have the exclusive privilege of using particular marks for designating the sail-cloth of their manufactory, has had the same under consideration, and thereupon

Reports, That it would, in his opinion, contribute to fidelity in the execution of manufacturers, to secure to every manufactory an exclusive right to some mark on its wares, proper to itself.

That this should be done by general laws, extending equal right to every case to which the authority of the Legislature should be competent.

That these cases are of divided jurisdiction: Manufactures made and consumed within a State being subject to State legislation, while those which are exported to foreign nations, or to another State, or into the Indian Territory, are alone within the legislation of the General Government.

That it will, therefore, be reasonable for the General Government to provide in this behalf by law for those cases of manufacture generally, and those only which relate to commerce with foreign nations, and among the several States, and with the Indian Tribes.

And that this may be done by permitting the owner of every manufactory, to enter in the records of the court of the district wherein his manufactory is, the name with which he chooses to mark or designate his wares, and rendering it penal in others to put the same mark to any other wares.

XXIV.—*Opinion relative to the demolition of Mr. Carroll's house by Major L'Enfant, in laying out the Federal City.*

December 11, 1791.

Observations on Major L'Enfant's letter of December 7th, 1791, to the President, justifying his demolition of the house of Mr. Carroll, of Duddington.

He says that "Mr. Carroll erected his house partly on a main street, and altogether on ground to which the public had a more immediate title than himself could claim." When blaming Mr. Carroll, then, he considers this as a street; but when justifying himself, he considers it not yet as a street, for to account for his not having pointed out to Carroll a situation where he might build, he says, "The President had not yet sanctioned the plan for the distribution of the city, nor determined if he would approve the situation of the several areas proposed to him in

that plan for public use, and that I would have been highly to be blamed to have anticipated his opinion thereon." This latter exculpation is solid; the first is without foundation. The plan of the city has not yet been definitely determined by the President. Sale to individuals, or partition decide the plan as far as these sales or partitions go. A deed with the whole plan annexed, executed by the President, and recorded, will ultimately fix it. But till a sale, or partition, or deed, it is open to alteration. Consequently, there is as yet no such thing as a street, except adjacent to the lots actually sold or divided; the erection of a house in any part of the ground cannot as yet be a nuisance in law. Mr. Carroll is tenant in common of the soil with the public, and the erection of a house by a tenant in common on the common property, is no nuisance. Mr. Carroll has acted imprudently, intemperately, foolishly; but he has not acted illegally. There must be an establishment of the streets, before his house can become a nuisance in the eye of the law. Therefore, till that establishment, neither Major L'Enfant, nor the commissioners, would have had a right to demolish his house, without his consent.

The Major says he had as much right to pull down a house, as to cut down a tree.

This is true, if he has received no authority to do either, but still there will be this difference: To cut down a tree or to demolish a house in the soil of another, is a trespass; but the cutting a tree, in this country, is so slight a trespass, that a man would be thought litigious who should prosecute it; if he prosecuted civilly, a jury would give small damages; if criminally, the judge would not inflict imprisonment, nor impose but a small fine. But the demolition of a house is so gross a trespass, that any man would prosecute it; if civilly, a jury would give great damages; if criminally, the judge would punish heavily by fine and imprisonment. In the present case, if Carroll was to bring a civil action, the jury would probably punish his folly by small damages; but if he were to prosecute criminally, the judge would as probably vindicate the insult on the laws, and the breach of

the peace, by heavy fines and imprisonment. So that if Major L'Enfant is right in saying he had as much authority to pull down a house as to cut down a tree, still he would feel a difference in the punishment of the law.

But is he right in saying he had as much authority to pull down a house as to cut down a tree? I do not know what have been the authorities given him expressly or by *implication*, but I can very readily conceive that the authorities which he has received, whether from the President or from the commissioners, whether verbal or written, may have gone to the demolition of trees, and not houses. I am sure he has received no authority, either from the President or commissioners, either expressly or by implication, to pull down houses. An order to him to mark on the ground the lines of the streets and lots, might imply an order to remove trees or *small* obstructions, *where they insuperably prevented his operations;* but a person must know little of geometry who could not, in an open field, designate streets and lots, even where a line passed through a house, without pulling the house down.

In truth, the blame on Major L'Enfant, is for having pulled down the house, of his own authority, and when he had reason to believe he was in opposition to the sentiments of the President; and his fault is aggravated by its having been done to gratify private resentment against Mr. Carroll, and most probably not because it was necessary; and the style in which he writes the justification of his act, shows that a continuation of the same resentment renders him still unable to acquiesce under the authority from which he has been reproved.

He desires a line of demarcation between his office, and that of the commissioners.

What should be this line? and who is to draw it? If we consider the matter under the *act of Congress* only, the President has authority only to name the commissioners, and to approve or disapprove certain proceedings of theirs. They have the whole executive power, and stand between the President and the subordinate agents. In this view, they may employ or dismiss,

order and countermand, take on themselves such parts of the execution as they please, and assign other parts to subordinate agents. Consequently, under the *act of Congress*, their will is the line of demarcation between subordinate agents, while no such line can exist between themselves and their agents. Under the deed from the proprietors to the President, his powers are much more ample. I do not accurately recollect the tenor of the deed; but I am pretty sure it was such as to put much more ample power into the hands of the President, and to commit to him the whole execution of whatever is to be done under the deed; and this goes particularly to the laying out the town: so that as to this, the President is certainly authorized to draw the line of demarcation between L'Enfant and the commissioners. But I believe there is no necessity for it, as far as I have been able to judge, from conversations and consultations with the commissioners. I think they are disposed to follow implicitly the will of the President, whenever they can find it out; but L'Enfant's letters do not breathe the same moderation or acquiescence; and I think it would be much safer to say to him, "the orders of the commissioners are your line of demarcation," than by attempting to define his powers, to give him a line where he may meet with the commissioners foot to foot, and chicane and raise opposition to their orders whenever he thinks they pass his line. I confess, that on a view of L'Enfant's proceedings and letters latterly, I am thoroughly persuaded that, to render him useful, his temper must be subdued; and that the only means of preventing his giving constant trouble to the President, is to submit him to the unlimited control of the commissioners; we known the discretion and forbearance with which they will exercise it.

XXV.—*Opinion relative to certain lands on Lake Erie, sold by the United States to Pennsylvania.*

December 19, 1791.

The Secretary of State, to whom was referred, by the President of the United States, a letter from the Governor of Penn-

sylvania, with the documents therein mentioned, on the subject of certain lands on Lake Erie, having had the same under consideration, thereupon Reports:—

That Congress, by their resolution of June 6th, 1788, directed the Geographer General of the United States to ascertain the quantity of land belonging to the United States between Pennsylvania and Lake Erie, and authorized a sale thereof.

That a sale was accordingly made to the commonwealth of Pennsylvania.

That Congress, by their resolution of September 4th, 1788, relinquished to the said commonwealth all their right to the government and jurisdiction of the said tract of land; but the right of soil was not transferred by the resolution.

That a survey of the said tract has been since made, and the amount of the purchase money been settled between the comptrollers of the United States and of the said commonwealth, and that the Governor of Pennsylvania declares in the said letter, to the President of the United States, that he is ready to close the transaction on behalf of the said commonwealth. That there is no person at present authorized, by law, to convey to the said commonwealth the right of soil, in the said tract of land.

And the Secretary of State is therefore of opinion that the said letter and documents should be laid before the legislature of the United States to make such provision by law for conveying the said right of soil, as they in their wisdom shall think fit.

XXVI.—*Report relative to negotiations with Spain to secure the free navigation of the Mississippi, and a port on the same.*

December 22, 1791.

The Secretary of State reports to the President of the United States, that one of the commissioners of Spain, in the name of both, has lately communicated to him verbally, by order of his court, that his Catholic Majesty, apprized of our solicitude to

have some arrangement made respecting our free navigation of the river Mississippi, and the use of a port thereon, is ready to enter into treaty thereon at Madrid.

The Secretary of State is of opinion that this overture should be attended to without delay, and that the proposal of treating at Madrid, though not what might have been desired, should yet be accepted, and a commission plenipotentiary made out for the purpose.

That Mr. Carmichael, the present chargé de affaires of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the commission; but that it would be useful also to join with him some person more particularly acquainted with the circumstances of the navigation to be treated of.

That the fund appropriated by the act providing the means of intercourse between the United States and foreign nations, will insufficiently furnish the ordinary and regular demands on it, and is consequently inadequate to the mission of an additional commissioner express from hence.

That, therefore, it will be advisable, on this account, as well as for the sake of despatch, to constitute some one of the ministers of the United States in Europe, jointly with Mr. Carmichael, commissioners plenipotentiary for the special purpose of negotiating and concluding, with any person or persons duly authorized by his Catholic Majesty, a convention or treaty for the free navigation of the river Mississippi by the citizens of the United States, under such accommodations with respect to a port, and other circumstances, as may render the said navigation practicable, useful, and free from dispute; saving to the President and Senate their respective rights as to their ratification of the same; and that the said negotiation be at Madrid, or such other place in Spain, as shall be desired by his Catholic Majesty.

March 18, 1792.

The appointment of Mr. Carmichael and Mr. Short, as commissioners to negotiate, with the court of Spain, a treaty or convention relative to the navigation of the Mississippi, and which perhaps may be extended to other interests, rendering it necessary that the subjects to be treated of should be developed, and the conditions of arrangement explained :

The Secretary of State reports to the President of the United States the following observations on the subjects of negotiation between the United States of America and the court of Spain, to be communicated by way of instruction to the commissioners of the United States, appointed as before mentioned, to manage that negotiation.

These subjects are,

I. Boundary.

II. The navigation of the Mississippi.

III. Commerce.

1. As to boundary, that between Georgia and Florida is the only one which will need any explanation. Spain sets up a claim to possessions within the State of Georgia, founded on her having rescued them by force from the British during the late war. The following view of the subject seems to admit no reply :

The several States now comprising the United States of America, were, from their first establishment, separate and distinct societies, dependent on no other society of men whatever. They continued at the head of their respective governments the executive magistrate who presided over the one they had left, and thereby secured, in effect, a constant amity with the nation. In this stage of their government their several boundaries were fixed; and particularly the southern boundary of Georgia, the only one now in question, was established at the 31st degree of latitude from the Apalachicola westwardly; and the western boundary, originally the Pacific ocean, was, by the treaty of Paris, reduced to the middle of the Mississippi. The part which

our chief magistrate took in a war, waged against us by the nation among whom he resided, obliged us to discontinue him, and to name one within every State. In the course of this war we were joined by France as an ally, and by Spain and Holland as associates; having a common enemy, each sought that common enemy wherever they could find him. France, on our invitation, landed a large army within our territories, continued it with us two years, and aided us in recovering sundry places from the possession of the enemy. But she did not pretend to keep possession of the places rescued. Spain entered into the remote western part of our territory, dislodged the common enemy from several of the posts they held therein, to the annoyance of Spain; and perhaps thought it necessary to remain in some of them, as the only means of preventing their return. We, in like manner, dislodged them from several posts in the same western territory, to wit: Vincennes, Cahokia, Kaskaskia, &c., rescued the inhabitants, and retained constantly afterwards both them and the territory under our possession and government. At the conclusion of the war, Great Britain, on the 30th of November, 1782, by treaty acknowledged our independence, and our boundary, to wit: the Mississippi to the west, and the completion of the 31st degree, &c. to the south. In her treaty with Spain, concluded seven weeks afterwards, to wit, January 20th, 1783, she ceded to her the two Floridas, which had been defined in the proclamation of 1763, and Minorca; and by the eighth article of the treaty, Spain agreed to restore, *without compensation*, all the territories conquered by her, and not included in the treaty, either under the head of cessions or restitutions, that is to say, all except Minorca and the Floridas. According to this stipulation, Spain was expressly bound to have delivered up the possessions she had taken within the limits of Georgia, to Great Britain, if they were conquests on Great Britain, who was to deliver them over to the United States; or rather, she should have delivered them to the United States themselves, as standing *quoad hoc* in the place of Great Britain. And she was bound by natural rights to deliver them to the same United States on a much

stronger ground, as the real and only proprietors of those places which she had taken possession of in a moment of danger, without having had any cause of war with the United States, to whom they belonged, and without having declared any; but, on the contrary, conducting herself in other respects as a friend and associate. *Vattel*, 1. 3, 122.

It is an established principle, that conquest gives only an inchoate treaty of peace, which does not become perfect till confirmed by the treaty of peace, and by a renunciation or abandonment by the former proprietor. Had Great Britain been that former proprietor, she was so far from confirming to Spain the right to the territory of Georgia, invaded by Spain, that she expressly relinquished to the United States any right that might remain in her; and afterwards completed that relinquishment, by procuring and consolidating with it the agreement of Spain herself to restore such territory without compensation. It is still more palpable, that a war existing between two nations, as Spain and Great Britain, could give to neither the right to seize and appropriate the territory of a third, which is even neutral, much less which is an associate in the war, as the United States were with Spain. See, on this subject, *Grotius*, 1. 3, c. 6, § 26. *Puffendorf*, 1. 8, c. 17, § 23. *Vattel*, 1. 3, § 197, 198.

On the conclusion of the general peace, the United States lost no time in requiring from Spain an evacuation of their territory. This has been hitherto delayed by means which we need not explain to that court, but which have been equally contrary to our right and to our consent.

Should Spain pretend, as has been intimated, that there was a secret article of treaty between the United States and Great Britain, agreeing, if at the close of the war the latter should retain the Floridas, that then the southern boundary of Georgia should be the completion of the 32d degree of latitude, the commissioners may safely deny all knowledge of the fact, and refuse conference on any such postulatum. Or, should they find it necessary to enter into any argument on the subject, they will of course do it hypothetically; and in that way may justly say, on

the part of the United States; suppose that the United States, exhausted by a bloody and expensive war with Great Britain, might have been willing to have purchased peace by relinquishing, under a particular contingency, a small part of their territory, it does not follow that the same United States, recruited and better organized, must relinquish the same territory to Spain without striking a blow. The United States, too, have irrevocably put it out of their power to do it, by a new constitution, which guarantees every State against the invasion of its territory A disastrous war, indeed, might, by necessity, supersede this stipulation, (as necessity is above all law,) and oblige them to abandon a part of a State; but nothing short of this can justify or obtain such an abandonment.

The southern limits of Georgia depend chiefly on,

1. The charter of Carolina to the lords proprietors, in 1663, xtending southwardly to the river Matheo, now called St. John, supposed in the charter to be in latitude 31, and so west in a direct line as far as the South Sea. See the charter in 4th* Memoires de l'Amerique, 554.

2. On the proclamation of the British King, in 1763, establishing the boundary between Georgia and the two Floridas to begin on the Mississippi, in thirty-one degrees of latitude north of the equator, and running eastwardly to the Appalachicola; thence, along the said river to the mouth of the Flint; thence, in a direct line, to the source of St. Mary's river, and down the same to the ocean. This proclamation will be found in Postlethwayte voce "British America."

3. On the treaties between the United States and Great Britain, of November 30, 1782, and September 3, 1783, repeating and confirming these ancient boundaries,—

There was an intermediate transaction, to wit: a convention concluded at the Pardo, in 1739, whereby it was agreed that Ministers Plenipotentiary should be immediately appointed by

* Mr. Short is desired to purchase this book at Amsterdam, or Paris, as he may not find it at Madrid, and when it shall have answered the purposes of this mission, let it be sent here for the use of the Secretary of State's office.

Spain and Great Britain for settling the limits of Florida and Carolina. The convention is to be found in the collections of treaties. But the proceedings of the Plenipotentiaries are unknown here. *Qu.* If it was on that occasion that the southern boundary of Carolina was transferred from the latitude of Matheo or St. John's river further north to the St. Mary's? Or was it the proclamation of 1763, which first removed this boundary? [If the commissioners can procure in Spain a copy of whatever was agreed on in consequence of the convention of the Pardo, it is a desirable State paper here.]

To this demonstration of our rights may be added the explicit declaration of the court of Spain, that she would accede to them. This took place in conversations and correspondence thereon between Mr. Jay, Minister Plenipotentiary for the United States at the court at Madrid, the Marquis de La Fayette, and the Count de Florida Blanca. Monsieur de La Fayette, in his letter of February 19, 1783, to the Count de Florida Blanca, states the result of their conversations on limits in these words: "With respect to limits, his Catholic Majesty has adopted those that are determined by the preliminaries of the 30th of November, between the United States and the court of London." The Count de Florida Blanca, in his answer of February 22d, to M. de La Fayette, says, "although it is his Majesty's intention to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States;" and M. de La Fayette, in his letter of the same day to Mr. Jay, wherein he had inserted the preceding, says, "on receiving the answer of the Count de Florida Blanca, (to wit: his answer, before mentioned, to M. de La Fayette,) I desired an explanation respecting the addition that relates to the limits. I was answered, that it was a fixed principle to abide by the limits established by the treaty between the English and the Americans; that his remark related only to mere unimportant details, which he wished to receive from the Spanish command

ants, which would be amicably regulated, and *would by no means oppose the general principle.* I asked him, before the Ambassador of France, [M. de Montmorin,] whether he would give me his word of honor for it; he assured me he would, and that I might engage it to the United States." See the report sent herewith.

II.—The navigation of the Mississippi.

Our right to navigate that river, from its source to where our southern boundary strikes it, is not questioned. It is from that point downwards, only, that the exclusive navigation is claimed by Spain; that is to say, where she holds the country on both sides, to wit: Louisiana on the west, and Florida on the east.

Our right to participate in the navigation of that part of the river, also, is to be considered, under

1. The Treaty of Paris of 1763,
2. The Revolution Treaty of 1782–3.
3. The law of nature and nations.

1. The war of 1755—1763, was carried on jointly by Great Britain and the thirteen colonies, now the United States of America, against France and Spain. At the peace which was negotiated by our common magistrate, a right was secured to the subjects of Great Britain (the common designation of all those under his government) to navigate the Mississippi in its whole breadth and length, from its source to the sea, and expressly that part which is between the island of New Orleans and the right bank of the river, as well as the passage both in and out of its mouth; and that the vessels should not be stopped, visited, or subjected to the payment of any duty whatsoever. These are the words of the treaty, article VII. Florida was at the same time ceded by Spain, and its extent westwardly was fixed to the lakes Pontchartrain and Maurepas, and the river Mississippi; and Spain received soon after from France a cession of the island of New Orleans, and all the country she held westward of the Mississippi, subject of course to our right of navigating between that country and the island previously granted to us by France. This right was not parcelled out to us in severalty, that is to say, to

each the exclusive navigation of so much of the river as was adjacent to our several shores—in which way it would have been useless to all—but it was placed on that footing on which alone it could be worth anything, to wit: as a right to all to navigate the whole length of the river in common. The import of the terms and the reason of the thing prove it was a right of common in the whole, and not a several right to each of a particular part. To which may be added the evidence of the stipulation itself, that we should navigate between New Orleans and the western bank, which, being adjacent to none of our States, could be held by us only as a right of common. Such was the nature of our right to navigate the Mississippi, as far as established by the treaty of Paris.

2. In the course of the Revolutionary war, in which the thirteen colonies, Spain, and France, were opposed to Great Britain, Spain took possession of several posts held by the British in Florida. It is unnecessary to inquire whether the possession of half a dozen posts scattered through a country of seven or eight hundred miles extent, could be considered as the possession and conquest of that country. If it was, it gave still but an inchoate right, as was before explained, which could not be perfected but by the relinquishment of the former possession at the close of the war; but certainly it could not be considered as a conquest *of the river*, even against Great Britain, since the possession of the shores, to wit, of the island of New Orleans on the one side, and Louisiana on the other, having undergone no change, the right in the water would remain the same, if considered only in its relation to them; and if considered as a distinct right, independent of the shores, then no naval victories obtained by Spain over Great Britain, in the course of the war, gave her the color of conquest over any water which the British fleet could enter. Still less can she be considered as having conquered the river, as against the United States, with whom she was not at war. We had a common right of navigation in the part of the river between Florida, the island of New Orleans, and the western bank, and nothing which passed be-

tween Spain and Great Britain, either during the war, or at its conclusion, could lessen that right. Accordingly, at the treaty of November, 1782, Great Britain confirmed the rights of the United States to the navigation of the river, from its source to its mouth, and in January, 1783, completed the right of Spain to the territory of Florida, by an absolute relinquishment of all her rights in it. This relinquishment could not include the navigation held by the United States in their own right, because this right existed in themselves only, and was not in Great Britain. If it added anything to the rights of Spain respecting the river between the eastern and western banks, it could only be that portion of right which Great Britain had retained to herself in the treaty with the United States, held seven weeks before, to wit, a right of using it in common with the United States.

So that as by the treaty of 1763, the United States had obtained a common right of navigating the whole river from its source to its mouth, so by the treaty of 1782, that common right was confirmed to them by the only power who could pretend claims against them, founded on the state of war; nor has that common right been transferred to Spain by either conquest or cession.

But our right is built on ground still broader and more unquestionable, to wit:

3. On the law of nature and nations.

If we appeal to this, as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a man, savage or civilized, unbiased by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind. The late case of Antwerp and the Scheldt was a striking proof a general union of sentiment on this

point; as it is believed that Amsterdam had scarcely an advocate out of Holland, and even there its pretensions were advocated on the ground of treaties, and not of natural right. (The commissioners would do well to examine thoroughly what was written on this occasion.) The commissioners will be able perhaps to find, either in the practice or the pretensions of Spain, as to the Dauro, Tagus, and Guadiana, some acknowledgments of this principle on the part of that nation. This sentiment of right in favor of the upper inhabitants must become stronger in the proportion which their extent of country bears to the lower. The United States hold 600,000 square miles of habitable territory on the Mississippi and its branches, and this river and its branches afford many thousands of miles of navigable waters penetrating this territory in all its parts. The inhabitable grounds of Spain below our boundary and bordering on the river, which alone can pretend any fear of being incommoded by our use of the river, are not the thousandth part of that extent. This vast portion of the territory of the United States has no other outlet for its productions, and these productions are of the bulkiest kind. And in truth, their passage down the river may not only be innocent, as to the Spanish subjects on the river, but cannot fail to enrich them far beyond their present condition. The real interests then of all the inhabitants, upper and lower, concur in fact with their rights.

If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that, were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still an innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise depends in a considerable degree on the conveniency of the nation through which they are to pass. But it is still a right as real as any other right, however well-defined; and were it to be refused, or to be so shackled by regulations, not necessary for the peace or safety of its inhabitants, as to render its use impracticable to us, it would then be an injury, of which we should be entitled to demand redress. The right of the upper

inhabitants to use this navigation is the counterpart to that of those possessing the shore below, and founded in the same natural relations with the soil and water. And the line at which their rights meet is to be advanced or withdrawn, so as to equalize the inconveniences resulting to each party from the exercise of the right by the other. This estimate is to be fairly made with a mutual disposition to make equal sacrifices, and the numbers on each side are to have their due weight in the estimate. Spain holds so very small a tract of habitable land on either side below our boundary, that it may in fact be considered as a strait of the sea; for though it is eighty leagues from our boundary to the mouth of the river, yet it is only here and there in spots and slips that the land rises above the level of the water in times of inundation. There are, then, and ever must be, so few inhabitants on her part of the river, that the freest use of its navigation may be admitted to us without their annoyance. For authorities on this subject, see Grot. l. 2. c. 2 §11, 12, 13, c. 3. § 7, 8, 12. Puffendorf, l. 3. c. 3. § 3, 4, 5, 6. Wolff's Inst. § 310, 311, 312. Vattel, l. 1. § 292. l. 2. § 123 to 139.

It is essential to the interests of both parties that the navigation of the river be free to both, on the footing on which it was defined by the treaty of Paris, viz.: through its whole breadth. The channel of the Mississippi is remarkably winding, crossing and recrossing perpetually from one side to the other of the general bed of the river. Within the elbows thus made by the channel, there is generally an eddy setting upwards, and it is by taking advantage of these eddies, and constantly crossing from one to another of them, that boats are enabled to ascend the river. Without this right the whole river would be impracticable both to the Americans and Spaniards.

It is a principle that the right to a thing gives a right to the means, without which it could not be used, that is to say, that the means follow their end. Thus, a right to navigate a river, draws to it a right to moor vessels to its shores, to land on them

in cases of distress, or for other necessary purposes, &c. This principle is founded in natural reason, is evidenced by the common sense of mankind, and declared by the writers before quoted. See Grot. l. 2. c. 2. § 15. Puffend. l. 3. c. 3. § 8. Vattel, l. 2. § 129.

The Roman law, which, like other municipal laws, placed the navigation of their rivers on the footing of nature, as to their own citizens, by declaring them public,* (flumina publica sunt, hoc est populi Romani, Inst. 2. t. 1. § 2,) declared also that the right to the use of the shores was incident to that of the water. Ibid, § 1, 3, 4, 5. The laws of every country probably do the same. This must have been so understood between France and Great Britain, at the treaty of Paris, when a right was ceded to British subjects to navigate the whole river, and expressly that part between the island of New Orleans and the western bank, without stipulating a word about the use of the shores, though both of them belonged then to France, and were to belong immediately to Spain. Had not the use of the shores been considered as incident to that of the water, it would have been expressly stipulated; since its necessity was too obvious to have escaped either party. Accordingly, all British subjects used the shores habitually for the purposes necessary to the navigation of the river; and when a Spanish Governor undertook at one time to forbid this, and even cut loose the vessels fastening to their shores, a British frigate went immediately, moored itself to the shore opposite to the town of New Orleans, and set out guards with orders to fire on such as might attempt to disturb her moorings. The Governor acquiesced, the right was constantly exercised afterwards, and no interruption ever offered.

This incidental right extends even beyond the shores, when circumstances render it necessary to the exercise of the principal right; as, in the case of a vessel damaged, where the mere shore could not be a safe deposit for her cargo till she could be repaired, she may remove it into safe ground off the river. The Roman law shall be quoted here too, because it gives a good

* Rivers belong to the public, that is to say to the Roman people.

idea both of the extent and the limitations of this right. Ins. l. 2. t. 1. § 4. *Riparum quoque usus publicus est, ut volunt jura gentium, sicut et ipsius fluminis usus publicus est. Itaque et navigium ad ripes appellere, et funes de arboribus ibi natis religare, et navis onera in his locis reponere, liberum quique est sicuti nec per flumen ipsum navigare quisquam prohibetur. And again, § 5, †littorum quoque usus publicus, sive juri gentium est, ut et ipsius maris et ob id data est facultas volentibus, casas ibi sibi componere, in quas se recipere possint, &c. Again, § 1. ‡Nemo igitur ad littora maris accedere prohibitur; veluti deambulare aut navem appellere, sic tamen ut a villis, id est domiciliis monumentisque ibi positis, et ab edificiis abstineat, nec iis damnum inferat.

Among incidental rights are those of having pilots, buoys, beacons, landmarks, light-houses, &c., to guide the navigators. The establishment of these at joint expense, and under joint regulations, may be the subject of a future convention. In the meantime, both should be free to have their own, and refuse those of the other, both as to use and expense.

Very peculiar circumstances attending the river Mississippi, require that the incidental right of accommodation on the shore, which needs only occasional exercise on other rivers, should be habitual and constant on this. Sea vessels cannot navigate that river, nor the river vessels go to sea. The navigation would be useless then without an entrepôt where these vessels might safely deposit their own cargoes, and take those left by the others;

* "The use of the banks belong also to the public by the laws of nations, as the use of the river itself does. Therefore, every one is free to moor his vessel to the bank, to fasten his cables to the trees growing on it, to deposit the cargo of his vessel in those places in like manner as every one is free to navigate the river itself."

† "The use of the shores also belongs to the public, or is under the law of nations, as is that of the sea itself. Therefore it is, that those who choose, have a right to build huts there, into which they may betake themselves."

‡ "Nobody, therefore, is prohibited from landing on the sea shore, walking there, or mooring their vessel there, so nevertheless that they keep out of the villas, that is, the habitations, monuments, and public buildings, erected there, and do them no injury."

and where warehouses and keepers might be constantly established for the safeguard of the cargoes. It is admitted, indeed, that the incidental right thus extended into the territory of the bordering inhabitants, is liable to stricter modifications in proportion as it interferes with their territorial right. But the inconveniences of both parties are still to have their weight, and reason and moderation on both sides are to draw the line between them. As to this, we count much on the liberality of Spain, on her concurrence in opinion with us, that it is for the interest of both parties to remove completely this germ of discord from between us, and draw our friendship as close as circumstances proclaim that it should be, and on the considerations which make it palpable that a convenient spot placed under our exclusive occupation, and exempted from the jurisdiction and police of their government, is far more likely to preserve peace than a mere free port, where eternal altercations would keep us in eternal ill humor with each other. The policy of this measure, and indeed of a much larger concession, having been formerly sketched in a paper of July 12th, 1790, sent to the commissioners severally, they are now referred to that.

If this be agreed to, the manner of fixing on that extra territorial spot becomes highly interesting. The most desirable to us, would be a permission to send commissioners to choose such spot, below the town of New Orleans, as they should find most convenient.

If this be refused, it would be better now to fix on the spot. Our information is, that the whole country below the town, and for sixty miles above it, on the western shore, is low, marshy, and subject to such deep inundation for many miles from the river, that if capable of being reclaimed at all by banking, it would still never afford an entrepôt sufficiently safe; that on the eastern side the only lands below the town, not subject to inundation, are at the Detour aux Anglais, or English Turn, the highest part of which, is that whereon the fort St. Marie formerly stood. Even this is said to have been raised by art, and to be very little above the level of the inundations. This spot then is

what we would fix on, if obliged now to decide, with from one to as many square miles of the circumjacent lands as can be obtained, and comprehending expressly the shores above and below the site of the fort as far as possible. But as to the spot itself, the limits, and even whether it shall be extra territorial, or only a free port, and what regulations it shall be laid under, the convenience of that Government is entitled to so much respect and attention on our part, that the arrangement must be left to the management of the commissioners, who will doubtless use their best efforts to obtain all they can for us.

The worst footing on which the determination of the ground could be placed, would be a reference to joint commissioners; because their disagreement, a very probable, nay, a certain event, would undo the whole convention, and leave us exactly where we now are. Unless indeed they will engage to us, in case of such disagreement, the highest ground at the Detour aux Anglais, of convenient extent, including the landings and harbor thereto adjacent. This would ensure us that ground, unless better could be found and mutually preferred, and close the delay of right under which we have so long labored for peace-sake.

It will probably be urged, because it was urged on a former occasion, that, if Spain *grants* to us the right of navigating the Mississippi, other nations will become entitled to it by virtue of treaties giving them the rights of the *most favored nation.*

Two answers may be given to this:

1. When those treaties were made, no nations could be under contemplation but those then existing, or those at most who might exist under similar circumstances. America did not then exist as a nation; and the circumstances of her position and commerce, are so totally dissimilar to everything then known, that the treaties of that day were not adapted to any such being. They would better fit even China than America; because, as a manufacturing nation, China resembles Europe more. When we solicted France to admit our whale oils into her ports, though she had excluded all foreign whale oils, her minister made the objection now under consideration, and the foregoing answer

was given. It was found to be solid; and the whale oils of the United States are in consequence admitted, though those of Portugal and the Hanse towns, and of all other nations, are excluded. Again, when France and England were negotiating their late treaty of commerce, the great dissimilitude of our commerce (which furnishes raw materials to employ the industry of others, in exchange for articles whereon industry has been exhausted) from the commerce of the European nations (which furnishes things ready wrought only) was suggested to the attention of both negotiators, and that they should keep their nations free to make particular arrangements with ours, by communicating to each other only the rights of the most favored European nation. Each was separately sensible of the importance of the distinction; and as soon as it was proposed by the one, it was acceded to by the other, and the word *European* was inserted in their treaty. It may fairly be considered then as the rational and received interpretation of the diplomatic term, "gentis amicissimæ,"* that it has not in view a nation unknown in many cases at the time of using the term, and so dissimilar in all cases as to furnish no ground of just reclamation to any nation.

But the decisive answer is, that Spain does not grant us the navigation of the river. We have an inherent right to it; and she may repel the demand of any other nation by candidly stating her act to have been, what in truth it is, a recognition only, and not a grant.

If Spain apprehends that other nations may claim access to our ports in the Mississippi, under their treaties with us, giving them a right to come and trade in all our ports, though we would not choose to insert an express stipulation against them, yet we shall think ourselves justified to acquiesce in fact, under any regulations Spain may from time to time establish against their admission.

Should Spain renew another objection, which she relied much on before, that the English at the Revolution treaty could not cede to us what Spain had taken from them by conquest, and

* "The most favored nation."

what of course they did not possess themselves, the preceding observations furnish sufficient matter for refutation.

To conclude the subjects of boundary and navigation, each of the following conditions is to be considered by the commissioners as a *sine quâ non.*

1. That our southern boundary remain established at the completion of thirty-one degrees of latitude on the Mississippi, and so on to the ocean, as has been before described, and our western one along the middle of the channel of the Mississippi, however that channel may vary, as it is constantly varying, and that Spain cease to occupy or to exercise jurisdiction in any part northward or eastward of these boundaries.

2. That our right be acknowledged of navigating the Mississippi, in its whole breadth and length, from its source to the sea, as established by the treaty of 1763.

3. That neither the vessels, cargoes, or the persons on board, be stopped, visited, or subjected to the payment of any duty whatsoever; or, if a visit must be permitted, that it be under such restrictions as to produce the least possible inconvenience. But it should be altogether avoided, if possible, as the parent of perpetual broils.

4. That such conveniences be allowed us ashore, as may render our right of navigation practicable and under such regulations as may *bonâ fide* respect the preservation of peace and order alone, and may not have in object to embarrass our navigation, or raise a revenue on it. While the substance of this article is made a *sine quâ non*, the modifications of it are left altogether to the discretion and management of the commissioners.

We might add, as a fifth *sine quâ non*, that no phrase should be admitted in the treaty which could express or imply that we take the navigation of the Mississippi as a *grant* from Spain. But, however disagreeable it would be to subscribe to such a sentiment, yet, were the conclusion of a treaty to hang on that single objection, it would be expedient to waive it, and to meet, at a future day, the consequences of any resumption they may

pretend to make, rather than at present, those of a separation without coming to any agreement.

We know not whether Spain has it in idea to ask a compensation for the ascertainment of our right.

1. In the first place, she cannot in reason ask a compensation for yielding what we have a right to, that is to say, the navigation of the river, and the conveniences incident to it of natural right.

2. In the second place, we have a claim on Spain for indemnification for nine years' exclusion from that navigation, and a reimbursement of the heavy duties (not less for the most part than 15 per cent. on extravagant valuations) levied on the commodities she has permitted to pass to New Orleans. The relinquishment of this will be no unworthy equivalent for any accommodations she may indulge us with, beyond the line of our strict right. And this claim is to be brought into view in proper time and manner, merely to be abandoned in consideration of such accommodations. We have nothing else to give in exchange. For as to territory, we have neither the right nor the disposition to alienate an inch of what belongs to any member of our Union. Such a proposition, therefore, is totally inadmissible, and not to be treated of for a moment.

3. On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object, then, was to obtain our renunciation of the navigation, and to hold out commercial arrangements, perhaps as a lure to us; perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation; or, may wish for them, to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis

of a commercial treaty: 1. That of exchanging the privileges of *native citizens;* or,

2. Those of *the most favored nation.*

1. With the nations holding important possessions in America, we are ready to exchange the rights of native citizens, provided they be extended through the whole possessions of both parties, but the propositions of Spain, made on the former occasion, (a copy of which accompanies this,) were, that we should give their merchants, vessels, and productions, the privilege of native merchants, vessels, and productions, through the whole of our possessions, and they give the same to ours only in Spain and the Canaries. This is inadmissible, because unequal; and, as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

2. Though treaties, which merely exchange the rights of the most favored nations, are not without all inconvenience, yet they have their conveniences also. It is an important one, that they leave each party free to make what internal regulations they please, and to give what preferences they find expedient to native merchants, vessels, and productions. And as we already have treaties on this basis, with France, Holland, Sweden, and Prussia, the two former of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we are sensible it is right to place that nation on the most favored footing, whether we have a treaty with them or not, and it can do us no harm to secure by treaty a reciprocation of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model. But it would be useless to propose the Prussian; because we have already supposed that Spain would never consent to those articles which give to each party access to all the dominions of the other; and, without this equivalent, we would not agree to tie our own hands so materially in war, as would be done by the 23d article, which renounces the right of fitting out privateers, or of capturing merchant vessels. The French treaty, therefore, is proposed as the

model. In this, however, the following changes are to be made.

We should be admitted to all the dominions of Spain, to which any other foreign nation is, or may be admitted.

Article 5 being an exemption from a particular duty in France, will of course be omitted, as inapplicable to Spain.

Article 8 to be omitted, as unnecessary with Morocco, and inefficacious, and little honorable with any of the Barbary powers. But it may furnish occasion to sound Spain on the project of a convention of the powers at war with the Barbary States, to keep up, by rotation, a constant cruise of a given force on their coasts, till they shall be compelled to renounce forever, and against all nations, their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break openly, may induce her to subsidize *us* to cruise against them with a given force.

Article 9 and 10, concerning fisheries, to be omitted, as inapplicable.

Article 11. The first paragraph of this article, respecting the *droit d'aubaine*, to be omitted; that law being supposed peculiar to France.

Article 17, giving asylum in the ports of either to the armed vessels of the other, with the prizes taken from the enemies of that other, must be qualified as it is in the 19th article of the Prussian treaty; as the stipulation in the latter part of the article, "that no shelter or refuge shall be given in the ports of the one to such as shall have made prize on the subjects of the other of the parties," would forbid us in case of a war between France and Spain, to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former on the latter—a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 29. Consuls should be received in all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America.

Free ports in the Spanish possessions in America, and particularly at the Havana, San Domingo, in the island of that name, and St. John of Porto Rico, are more to be desired than expected. It can, therefore, only be recommended to the best endeavors of the commissioners to obtain them. It will be something to obtain for our vessels, flour, &c., admission to those ports during their pleasure. In like manner, if they could be prevailed on to re-establish our right of cutting log-wood in the bay of Campeachy, on the footing on which it stood before the treaty of 1763, it would be desirable, and not endanger, to us, any contest with the English, who, by the Revolution treaty, are restrained to the south-eastern parts of Yucatan.

Article 31. The *act* of ratification, on our part, may require a twelvemonth from the date of the treaty, as the Senate meets regularly but once a year; and to return it to Madrid, for exchange, may require four months more. It would be better, indeed, if Spain would send her ratification to be exchanged by her representative here.

The treaty must not exceed twelve or fifteen years' duration, except the clauses relating to boundary, and the navigation of the Mississippi, which must be perpetual and final. Indeed, these two subjects had better be in a separate instrument.

There might have been mentioned a third species of arrangement, that of making special agreements on every special subject of commerce, and of setting a tariff of duty to be paid on each side, on every particular article; but this would require in our commissioners a very minute knowledge of our commerce, as it is impossible to foresee every proposition of this kind which might be brought into discussion, and to prepare them for it by information and instruction from hence. Our commerce, too, is, as yet, rather in a course of experiment, and the channels in which it will ultimately flow, are not sufficiently known to enable us to provide for it by special agreement. Nor have the exigencies of our new government, as yet, so far developed themselves, as that we can know to what degree we may or must have recourse to commerce for the purposes of revenue. No

common consideration, therefore, ought to induce us, as yet, to arrangements of this kind. Perhaps nothing should do it with any nation, short of the privileges of natives in all their possessions, foreign and domestic.

It were to be wished, indeed, that some positively favorable stipulations respecting our grain, flour, and fish, could be obtained, even on our giving reciprocal advantages to some other commodities of Spain, say her wines and brandies.

But, 1st. If we quit the ground of the *most favored nation*, as to certain articles for our convenience, Spain may insist on doing the same for other articles for her convenience, and thus our commissioners will get themselves on the ground of a treaty of *detail*, for which they will not be prepared.

2d. If we grant favor to the wines and brandies of Spain, then Portugal and Spain will demand the same; and in order to create an equivalent, Portugal may lay a duty on our fish and grain, and France, a prohibition on our whale oils, the removal of which will be proposed as an equivalent.

This much, however, as to grain and flour, may be attempted. There has, not long since, been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain, as that court considers the matter. It is not generally thought right to change the state of things pending a treaty concerning them. On this consideration, and on the motive of cultivating our friendship, perhaps the commissioners may induce them to restore this commodity to the footing on which it was, on opening the conferences with Mr. Gardoqui, on the 26th day of July, 1785. If Spain says, "do the same by your tonnage on our vessels," the answer may be, that our foreign tonnage affects Spain very little, and other nations very much; whereas the duty on flour in Spain affects us very much, and other nations very little. Consequently, there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would, in fact, only be aiding the interests of her rival nations, to whom we should be forced to extend the same

indulgence. At the time of opening the conferences, too, we had, as yet, not erected any system; our government itself being not yet erected. Innovation then was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general ground; on ground favorable to Spain. But they had a system, and, therefore, innovation was avoidable on their part,

It is known to the commissioners that we found it expedient to ask the interposition of France, lately, to bring on this settlement of our boundary, and the navigation of the Mississippi. How far that interposition has contributed to produce it, is uncertain. But we have reason to believe that her further interference would not produce an agreeable effect on Spain. The commissioners, therefore, are to avoid all further communications on the subject with the ministers of France, giving them such explanations as may preserve their good dispositions. But if, ultimately, they shall find themselves unable to bring Spain to agreement on the subject of the navigation and boundary, the interposition of France, as a mutual friend, and the guarantee of our limits, is then to be asked, in whatever light Spain may choose to consider it.

Should the negotiations on the subject of navigation and boundary assume, at any time, an unhopeful aspect, it may be proper that Spain should be given to understand, that, if they are discontinued without coming to any agreement, the Government of the United States cannot be responsible for the longer forbearance of their western inhabitants. At the same time the abandonment of the negotiation should be so managed as that, without engaging us to a further suspension of the exercise of our rights, we may not be committed to resume them on the instant. The present turbid situation of Europe cannot leave us long without a safe occasion of resuming our territory and navigation, and of carving for ourselves those conveniences, on the shores, which may facilitate and protect the latter effectually and permanently.

We had a right to expect that, pending a negotiation, all things would have remained in *statu quo*, and that Spain would

not have proceeded to possess herself of other parts of our territory. But she has lately taken and fortified a new post on the Walnut hills, above the mouth of the Yazoo river, and far above the 31st degree. This garrison ought to have been instantly dislodged; but for our wish to be in friendship with Spain, and our confidence in her assurances "to bide by the limits established in our treaty with England," complaints of this unfriendly and uncandid procedure may be brought forward or not, as the commissioners shall see expedient.

XXVII.—*Report on the case of Charles Russell and others, claiming certain lands.*

January 21, 1792.

The Secretary of State, to whom was referred, by the President of the United States, the letter of the Governor of Virginia of January 7th, 1792, with the report of a committee of the House of Delegates of that commonwealth, of December 12th, 1791, and resolution of the General Assembly thereon, of December 17th, on the case of Charles Russell, late an officer in the service of the said commonwealth, stating that a considerable part of the tract of country allotted for the officers and soldiers having fallen into the State of North Carolina on the extension of their common boundary, the legislature of the said State had, in 1781, passed an act substituting in lieu thereof the tract of country between the said boundary and the rivers Mississippi, Ohio, Tennessee, and subjecting the same to the claims of their officers and soldiers. That the said Charles Russell had in consequence thereof, directed warrants for two thousand six hundred and sixty-six and two-thirds acres of land to be located within the said tract of country; but that the same belonging to the Chickasaws, he is unable to obtain a right thereto, and that there are other officers and soldiers of the said commonwealth under like circumstances:

Reports, That the tract of country before described, is within

the boundaries of the Chickasaw nation as established by the treaty of Hopewell, the 16th day of January 1786.

That the right of occupancy of the said lands, therefore, being vested in the said nation, the case of the said Charles Russell, and other officers and soldiers of the said commonwealth, becomes proper to be referred to the legislature of the United States for their consideration.

XXVIII.—*Report relative to negotiations at Madrid.*

March 7, 1792.

The Secretary of State having understood, from communications with the commissioners of his Catholic Majesty, subsequent to that which he reported to the President on the 22d of December last, that though they considered the navigation of the Mississippi as the principal object of negotiation between the two countries, yet it was expected by their court that the conferences would extend to all the matters which were under negotiation on the former occasion with Mr. Gardoqui, and particularly to some arrangements of commerce, is of opinion, that, to renew the conferences on this subject also, since they desire it, will be but friendly and respectful, and can lead to nothing without our own consent; and that, to refuse it, might obstruct the settlement of the questions of navigation and boundary; and, therefore, reports to the President of the United States, the following observations and instructions to the commissioners of the United States, appointed to negotiate with the court of Spain a treaty or convention relative to the navigation of the Mississippi; which observations and instructions, he is of opinion, should be laid before the Senate of the United States, and their decision be desired, whether they will advise and consent that a treaty be entered into by the commissioners of the United States with Spain conformable thereto.

After stating to our commissioners the foundation of our rights to navigate the Mississippi, and to hold our southern boundary

at the 31st degree of latitude, and that each of these is to be a *sine qua non*, it is proposed to add as follows:

On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce; and, accordingly, specific propositions thereon passed between the negotiators. Her object then was to obtain our renunciation of the navigation, and to hold out commercial arrangements perhaps as a lure to us. Perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation, or may wish for them to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so, if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

* * * * * * *

XXIX.—*Opinion on the Bill apportioning Representation.*

April 4, 1792.

The Constitution has declared that representatives and direct taxes shall be apportioned among the several States according to their respective numbers. That the number of representatives shall not exceed one for every 30,000, but each State shall have at least one representative, and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3, Massachusetts 2.

The bill for apportioning representatives among the several States, without explaining any principle at all, which may show its conformity with the constitution, to guide future apportionments, says, that New Hampshire shall have 3 members, Massa-

chusetts 16, &c. We are, therefore, to find by experiment what has been the principle of the bill; to do which, it is proper to state the federal or representable numbers of each State, and the numbers allotted to them by the bill. They are as follows:—

		Members.
Vermont	85,532	3
New Hampshire	141,823	5
Massachusetts	475,327	16
Rhode Island	68,444	2
Connecticut	285,941	8
New York	352,915	11
New Jersey	179,556	6
Pennsylvania	432,880	14
Delaware	55,538	2
Maryland	278,513	9
Virginia	630,558	21
Kentucky	68,705	2
North Carolina	353,521	11
South Carolina	206,236	6
Georgia	70,843	2
	3,636,312	120

It happens that this representation, whether tried as between great and small States, or as between north and south, yields, in the present instance, a tolerably just result; and, consequently, could not be objected to on that ground, if it were obtained by the process prescribed in the Constitution; but if obtained by any process out of that, it becomes arbitrary and inadmissible.

The 1st member of the clause of the Constitution above cited is express, that representatives shall be apportioned among the several States according to their *respective numbers*. That is to say, they shall be apportioned by some common ratio—for proportion, and ratio, are equivalent words; and, in the definition of *proportion among numbers*, that they have a ratio common to all, or in other words, a common divisor. Now, trial will show that there is no common ratio, or divisor, which, applied to the numbers of each State, will give to them the number of representatives allotted in this bill. For trying the several ratios of 29, 30, 31, 32, 33, the allottments would be as follows:—

	29	30	31	32	33	The Bill
Vermont	2	2	2	2	2	3
New Hampshire .	4	4	4	4	4	5
Massachusetts . .	16	15	15	14	14	16
Rhode Island . .	2	2	2	2	2	2
Connecticut . . .	8	7	7	7	7	8
New York . . .	12	11	11	11	10	11
New Jersey . . .	6	5	5	5	5	6
Pennsylvania . .	14	14	13	13	13	14
Delaware	1	1	1	1	1	2
Maryland	9	9	8	8	8	9
Virginia	21	21	20	19	19	21
Kentucky . . .	2	2	2	2	2	2
North Carolina . .	12	11	11	11	10	12
South Carolina . .	7	6	6	6	6	7
Georgia	2	2	2	2	2	2
	118	112	109	107	105	120

Then the bill reverses the constitutional precept, because, by it, representatives are *not* apportioned among the several States, according to their respective numbers.

It will be said that, though, for taxes, there may always be found a divisor which will apportion them among the States according to numbers exactly, without leaving any remainder, yet, for *representatives*, there can be no such common ratio, or divisor, which, applied to the several numbers, will divide them exactly, without a remainder or fraction. I answer, then, that taxes must be divided *exactly*, and representatives *as nearly* as the *nearest ratio* will admit; and the fractions must be neglected, because the Constitution calls absolutely that there be an *apportionment or common ratio*, and if any fractions result from the operation, it has left them unprovided for. In fact it could not but foresee that such fractions would result, and it meant to submit to them. It knew they would be in favor of one part of the Union at one time, and of another at another, so as, in the end, to balance occasional irregularities. But instead of such a *single* common ratio, or uniform divisor, as prescribed by the Constitution, the bill has applied *two ratios*, at least, to the different States, to wit, that of 30.026 to the seven following: Rhode Island, New York, Pennsylvania, Maryland, Virginia, Kentucky and Georgia; and that of 27,770 to the eight others, namely: Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, North Carolina, and South Carolina, as follows:—

Rhode Island . . .	68,444	divided by	30,026	gives	2
New York	352,915	"	"	"	11
Pennsylvania . . .	432,880	"	"	"	14
Maryland	278,513	"	"	"	9
Virginia	630,558	"	"	"	21
Kentucky	58,705	"	"	"	2
Georgia	70,843	"	"	"	2
Vermont	85,532	divided by	27,770	gives	3
New Hampshire . .	141,823	"	"	"	5
Massachusetts . . .	475,327	"	"	"	16
Connecticut	235,941	"	"	"	8
New Jersey . . .	179,556	"	"	"	6
Delaware	55,538	"	"	"	2
North Carolina . .	353,521	"	"	"	12
South Carolina . .	206,236	"	"	"	7

And if *two* ratios be applied, then *fifteen* may, and the distribution become arbitrary, instead of being apportioned to numbers. Another member of the clause of the Constitution which has been cited, says "the number of representatives shall not exceed one for every 30,000, but each State shall have at least one representative." This last phrase proves that it had no contemplation that all fractions, or *numbers below the common ratio* were to be unrepresented; and it provides especially that in the case of a State whose whole number shall be below the common ratio, one representative shall be given to it. This is the single instance where it allows representation to any smaller number than the common ratio, and by providing especially for it in this, shews it was understood that, without special provision, the smaller number would in this case, be involved in the general principle. The first phrase of the above citations, that "the number of representatives shall not exceed one for every 30,000, is violated by this bill which has given to eight States a number exceeding one for every 30,000, to wit, one for every 27,770.

In answer to this, it is said that this phrase may mean either the 30,000 *in each State*, or the 30,000 *in the whole Union*, and that in the latter case it serves only to find the amount of the whole representation; which, in the present state of population, is 120 members. Suppose the phrase might bear both meanings, which will common sense apply to it? Which did the universal understanding of our country apply to it? Which did the Senate and Representatives apply to it during the pendency of the first bill, and even till an advanced stage of this

second bill, when an ingenious gentleman found out the doctrine of fractions, a doctrine so difficult and inobvious, as to be rejected at first sight by the very persons who afterwards became its most zealous advocates?

The phrase stands in the midst of a number of others, every one of which relates to States in their separate capacity. Will not plain common sense then, understand it, like the rest of its context, to relate to States in their separate capacities?

But if the phrase of one for 30,000 is only meant to give the aggregate of representatives, and not at all to influence their apportionment among the States, then the 120 being once found, in order to apportion them, we must recur to the former rule which does it according to the numbers of *the respective States;* and we must take the *nearest common divisor*, as the ratio of distribution, that is to say, that divisor which, applied to every State, gives to them such numbers as, added together, come nearest to 120. This nearest common ratio will be found to be 28,658, and will distribute 119 of the 120 members, leaving only a single residuary one. It will be found too to place 96,648 fractional numbers in the eight northernmost States, and 106,582 in the seven southernmost. The following table shows it:

		Ratio, 28,658	Fraction.	
Vermont	85,832	2	27,816	
New Hampshire	141,823	4	26,391	
Massachusetts	475,327	16	13,599	
Rhode Island	68,444	2	10,728	
Connecticut	235,941	8	5,077	
New York	352,915	12	6,619	
New Jersey	119,856	6	6,408	
Pennsylvania	432,880	15	10	96,648
Delaware	55,538	1	26,680	
Maryland	278,503	9	18,191	
Virginia	630,558	21	24,540	
Kentucky	68,705	2	10,989	
North Carolina	353,521	12	7,225	
South Carolina	206,236	7	4,230	
Virginia	70,843	2	23,137	105,582
	3,636,312	119	202,230	202,230

Whatever may have been the intention, the effect of neglecting the nearest divisor, (which leaves but one residuary member,) and adopting a distant one (which leaves eight), is merely to take a member from New York and Pennsylvania, each, and

give them to Vermont and New Hampshire. But it will be said, this is giving more than one for 30,000. True, but has it not been just said that the one for 30,000 is prescribed only to fix the aggregate number, and that we are not to mind it when we come to apportion them among the States? That for this we must recur to the former rule which distributes them according to the numbers in each State? Besides does not the bill itself apportion among seven of the States by the ratio of 27,770? which is much more than one for 30,000.

Where a phrase is susceptible of two meanings, we ought certainly to adopt that which will bring upon us the fewest inconveniences. Let us weigh those resulting from both constructions.

From that giving to each State a member for every 30,000 in that State results the single inconvenience that there may be large portions unrepresented, but it being a mere hazard on which State this will fall, hazard will equalize it in the long run. From the others result exactly the same inconvenience. A thousand cases may be imagined to prove it. Take one. Suppose eight of the States had 45,000 inhabitants each, and the other seven 44,999 each, that is to say each one less than each of the others. The aggregate would be 674,993, and the number of representatives at one for 30,000 of the aggregate, would be 22. Then, after giving one member to each State, distribute the seven residuary members among the seven highest fractions, and though the difference of population be only an unit, the representation would be the double.

			Fractions.
1st.	45,000	2	15,000
2d.	45,000	2	15,000
3d.	45,000	2	15,000
4th.	45,000	2	15,000
5th.	45,000	2	15,000
6th.	45,000	2	15,000
th.	45,000	2	15,000
th.	45,000	1	15,000
th.	44,999	1	14,999
10th.	44,999	1	14,999
11th.	44,999	1	14,999
12th.	44,999	1	14,999
13th.	44,999	1	14,999
14th.	44,999	1	14,999
15th.			14,999
	674,993	22	

Here a single inhabitant the more would count as 30,000. Nor is this case imaginable, only it will resemble the real one whenever the fractions happen to be pretty equal through the whole States. The numbers of our census happen by accident to give the fractions all very small, or very great, so as to produce the strongest case of inequality that could possibly have occurred, and which may never occur again. The probability is that the fractions will generally descend gradually from 29,999 to 1. The inconvenience then of large unrepresented fractions attends both constructions; and while the most obvious construction is liable to no other, that of the bill incurs many and grievous ones.

1. If you permit the large fraction in one State to choose a representative for one of the small fractions in another State, you take from the latter its election, which constitutes real representation, and substitute a virtual representation of the disfranchised fractions, and the tendency of the doctrine of virtual representation has been too well discussed and appreciated by reasoning and resistance on a former great occasion to need development now.

2. The bill does not say that it has given the residuary representatives *to the greatest fraction;* though in fact it has done so. It seems to have avoided establishing that into a rule, lest it might not suit on another occasion. Perhaps it may be found the next time more convenient to distribute them *among the smaller States;* at another time *among the larger States;* at other times according to any other crotchet which ingenuity may invent, and the combinations of the day give strength to carry; or they may do it arbitrarily by open bargains and cabal. In short this construction introduces into Congress a scramble, or a vendue for the surplus members. It generates waste of time, hot blood, and may at some time, when the passions are high, extend a disagreement between the two Houses, to the perpetual loss of the thing, as happens now in the Pennsylvania assembly; whereas the other construction reduces the apportionment always to an arithmetical operation, about which no two men can ever possibly differ.

3. It leaves in full force the violation of the precept which

declares that representatives shall be *apportioned* among the States according to their numbers, *i. e.*, by some common ratio.

Viewing this bill either as a *violation of the constitution*, or as giving an *inconvenient exposition of its words*, is it a case wherein the President ought to interpose his negative? I think it is.

1. The non-user of his negative begins already to excite a belief that no President will ever venture to use it; and has, consequently, begotten a desire to raise up barriers in the State legislatures against Congress, throwing off the control of the constitution.

2. It can never be used more pleasingly to the public, than in the protection of the constitution.

3. No invasions of the constitution are fundamentally so dangerous as the tricks played on their own numbers, apportionment, and other circumstances respecting themselves, and affecting their legal qualifications to legislate for the union.

4. The majorities by which this bill has been carried (to wit: of one in the Senate and two in the Representatives) show how divided the opinions were there.

5. The whole of both houses admit the constitution will bear the other exposition, whereas the minorities in both deny it will bear that of the bill.

6. The application of any one ratio is intelligible to the people, and will, therefore be approved, whereas the complex operations of this bill will never be comprehended by them, and though they may acquiesce, they cannot approve what they do not understand.

XXX.—*Opinion relative to a case of recapture, by citizens of the United States, of slaves escaped into Florida, and of an American captain enticing French slaves from St. Domingo.*

December 3, 1792.

Complaint has been made by the Representatives of Spain that certain individuals of Georgia entered the State of Florida,

and without any application to the Government, seized and carried into Georgia, certain persons, whom they claimed to be their slaves. This aggression was thought the more of, as there exists a convention between that government and the United States against receiving fugitive slaves.

The minister of France has complained that the master of an American vessel, while lying within a harbor of St. Domingo, having enticed some negroes on board his vessel, under pretext of employment, bought them off, and sold them in Georgia as slaves.

1. Has the general government cognizance of these offences? 2. If it has, is any law already provided for trying and punishing them?

1. The Constitution says "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts &c., provide for the common defence and *general welfare* of the United States." I do not consider this clause as reaching the point. I suppose its meaning to be, that Congress may collect taxes for the purpose of providing for the *general welfare*, in those cases wherein the Constitution empowers them to act for the general welfare. To suppose that it was meant to give them a distinct substantive power, to do *any act* which might tend to the *general welfare*, is to render all the enumerations useless, and to make their powers unlimited. We must seek the power therefore in some other clause of the Constitution. It says further, that Congress shall have power to "define and punish piracies and felonies committed on the high seas, and offences against the law of nations." These offences were not committed on the high seas, and consequently not within that branch of the clause. Are they against the law of nations, taken as it may be in its whole extent, as founded, 1st, in nature; 2d, usage; 3d, convention? So much may be said in the affirmative, that the legislators ought to send the case before the judiciary for discussion; and the rather, when it is considered that unless the offenders can be punished under this clause, there is no other which goes directly to their case, and consequently our peace

with foreign nations will be constantly at the discretion of individuals.

2. Have the legislators sent this question before the Courts by any law already provided? The act of 1789, chapter 20, section 9, says the district courts shall have cognizance concurrent with the courts of the several States, or the circuit courts, of all causes, where an *alien sues for a tort only*, in violation of the law of nations: but what if there be no alien whose interest is such as to support an action for the tort?—which is precisely the case of the aggression on Florida. If the act in describing the jurisdiction of the Courts, had given them cognizance of proceedings by way of indictment or information against offenders under the law of nations, for the public wrong, and on the public behalf, as well as to an individual for the special tort, it would have been the thing desired.

The same act, section 13, says, the "Supreme Court shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics or domestic servants, as a court of law can have or exercise consistently, with the law of nations."—Still this is not the case, no ambassador, &c., being concerned here. I find nothing else in the law applicable to this question, and therefore presume the case is still to be provided for, and that this may be done by enlarging the jurisdiction of the courts, so that they may sustain indictments and informations on the public behalf, for offences against the law of nations.

[*A note added by Mr. Jefferson at a later period.*]

On further examination it does appear that the 11th section of the judiciary act above cited gives to the circuit courts exclusively, cognizance of all crimes and offences cognizable under the authority of the United States, and not otherwise provided for. This removes the difficulty, however, but one step further;—for questions then arise, 1st. What is the peculiar character of the offence in question; to wit, treason, felony, misdemeanor, or trespass? 2d. What is its specific punishment—capital or what? 3d. Whence is the venue to come?

XXXI.—*Report on Assays at the Mint, communicated to the House of Representatives, January* 8, 1793.

The Secretary of State, to whom was referred, by the President of the United States, the resolution of the House of Representatives of the 29th of November, 1792, on the subject of experiments of France, England, Spain, and Portugal, reports:

That assays and experiments have been, accordingly, made at the mint, by the director, and under his care and inspection, of sundry gold and silver coins of France, England, Spain, and Portugal, and of the quantity of fine gold and alloy in each of them, and the specific gravities of those of gold given in by the director, a copy of which, and of the letter covering it, are contained in the papers marked A and B.

A.

January 7, 1793.

SIR:—I have, herewith, enclosed the result of our assays, &c., of the coins of France, England, Spain, and Portugal. In the course of the experiments, a very small source of error was detected, too late for the present occasion, but which will be carefully guarded against in future.

I am, with the most perfect esteem, your most obedient humble servant,

DAVID RITTENHOUSE, *Director of the Mint.*

THOMAS JEFFERSON, *Secretary of State.*

B.

Assay of gold coins.

Date.		In 24 grains.		Specific gravity.
		Fine gold.	Alloy.	
		grs. 32 pts.	grs. 32 pts.	
French guineas, - -	1726	21 16	2 16	17.48
	1734	21 19	2 13	17.38
	1742	21 26	2 06	17.58
	1753	21 03	2 29	17.28
	1775	21 22	2 10	17.57
Double do. - - -	1786	21 22	2 10	17.51
	1789	21 22	2 10	17.50
	1790	21 25	2 07	17.57

Date.		In 24 grains. Fine gold. grs. 32 pts.	In 24 grains. Alloy. grs. 32 pts.	Specific gravity.
Spanish pistoles, - -	1776	21 21	2 11	17.53
	1780	21 00	3 00	17.57
	1786	21 18	2 14	17.63
	1788	21 02	2 30	17.00
English guineas, - -	1755	21 28	2 04	17.78
	1777	21 31	2 01	17.75
	1785	21 30	2 02	17.78
	1788	21 31	2 01	17.79
	1789	22 03	1 29	17.78
	1791	22 01	1 31	17.74
Half johannes of Portugal, - -	1739	21 31	2 01	17.63
	1770	22 05	1 27	17.78
	1776	22 05	1 27	17.87
	1785	21 30	2 02	17.68
	1788	21 31	2 01	17.78

Silver coins.

Date.		In 12 ounces. Fine silver. oz. dwts. grs.	In 12 ounces. Alloy. oz. dwts. grs.
English half-crown of William III. - - -		10 19 09½	1 00 14½
English shilling, - - - - -	1787	11 00 02½	0 19 21½
French crown. - - - - -	1791	10 16 00	1 04 00
Do. half-crown, - - - -	1739	10 17 00	1 03 00
Do. - - - -	1792	10 16 19	1 03 05
Spanish dollar of	1772	10 15 05	1 04 19
	1782	10 14 02½	1 05 21½
	1790	10 14 00	1 06 00
	1791	10 14 21½	1 05 02½

MINT, January 7, 1793.

Assayed by Mr. David Ott, under my inspection, at the mint, in pursuance of a resolution of Congress of November 29, 1792. I have added the specific gravity of each piece of gold coin. DAVID RITTENHOUSE, *Director of the Mint.*

XXXII.—*Report on the petition of John Rogers, relative to certain lands on the north-east side of the Tennessee.*

February 16, 1793.

The Secretary of State, to whom was referred, by the House of Representatives of the United States, the petition of John Rogers, setting forth, that as an officer of the State of Virginia,

during the last war, he became entitled to two thousand acres of lands on the north-east side of the Tennessee, at its confluence with the Ohio, and to two thousand four hundred acres in different parcels, between the same river and the Mississippi, all of them within the former limit of Virginia, which lands were allotted to him under an act of the Legislature of Virginia, before its deed of cession to the United States; that by the treaty of Hopewell, in 1786, the part of the country comprehending these lands was ceded to the Chickasaw Indians; and praying compensation for the same,

Reports, That the portion of country comprehending the said parcels of land, has been ever understood to be claimed, and has certainly been used, by the Chickasaw and Cherokee Indians for their hunting grounds. The Chickasaws holding exclusively from the Mississippi to the Tennessee, and extending their claim across that river, eastwardly, into the claims of the Cherokees, their conterminous neighbors.

That the government of Virginia was so well apprized of the rights of the Chickasaws to a portion of country within the limit of that State, that about the year 1780, they instructed their agent, residing with the southern Indians, to avail himself of the first opportunity which should offer, to purchase the same from them, and that, therefore, any act of that Legislature allotting these lands to their officers and soldiers must probably have been passed on the supposition, that a purchase of the Indian right could be made, which purchase, however, has never been made.

That, at the treaty of Hopewell, the true boundary between the United States on the one part, and the Cherokees and Chickasaws on the other, was examined into and acknowledged, and by consent of all parties, the unsettled limits between the Cherokees and Chickasaws were at the same time ascertained, and in that part particularly, were declared to be the highlands dividing the waters of the Cumberland and Tennessee, whereby the whole of the petitioner's locations were found to be in the Chickasaw country.

That the right of occupation of the Cherokees and Chickasaws in this portion of the country, having never been obtained by the United States, or those under whom they claim it, cannot be said to have been ceded by them at the treaty of Hopewell, but only recognized as belonging to the Chickasaws, and retained to them.

That the country south of the Ohio was formerly contested between the Six Nations and the southern Indians for hunting grounds.

That the Six Nations sold for a valuable consideration to the then government their right to that country, describing it as extending from the mouth of the Tennessee upwards. That no evidence can at this time and place be procured, as to the right of the southern Indians, that is to say, the Cherokees and Chickasaws, to the same country; but it is believed that they voluntarily withdrew their claims within the Cumberland river, retaining their right so far, which consequently could not be conveyed from them, or to us, by the act of the Six Nations, unless it be proved that the Six Nations had acquired a right to the country between the Cumberland and Tennessee rivers by conquest over the Cherokees and Chickasaws, which it is believed cannot be proved.

That, therefore, the locations of the petitioner must be considered as made within the Indian territory, and insusceptible of being reduced into his possession, till the Indian right be purchased.

That this places him on the same footing with Charles Russell and others, officers of the same State, who had located their bounty lands in like manner, within the Chickasaw lines, whose case was laid before the House of Representatives of the United States at the last session, and remains undecided on; and that the same and no other measure should be dealt to this petitioner which shall be provided for them.

XXXIII.—*Report relative to the Boundaries of the Lands between the Ohio and the Lakes, acquired by treaties from the Indians.*

March 10. 1793

The Secretary of State, according to instructions received from the President of the United States,

Reports, That, for the information of the commissioners appointed to treat with the western Indians, he has examined the several treaties entered into with them subsequent to the declaration of Independence, and relating to the lands between the Ohio and the lakes, and also the extent of the grants, reservations, and appropriations of the same lands, made either by the United States, or by individual States within the same period, and finds that the lands obtained by the said treaties, and not so granted, reserved, or appropriated, are bounded by the following lines, to wit:

Northwardly. By a line running from the fork of the Tuscarora's branch of the Muskingum, at the crossing-place above Fort Lawrence. Westwardly (towards the portage of the Big-Miami) to the main branch of that river, then down the Miami, to the fork of that river next below the old fort, which was taken by the French in 1752, thence due west to the river De la Panse, and down that river to the Wabash; which lines were established with the Wiandots, Delawares, Chippawas, and Ottawas, by the treaty of Fort McIntosh, and with the Shawanese by that of the Great Miami.

Westwardly. By the bounds of the Wabash Indians.

Eastwardly. By the million of acres appropriated to military claimants, by the resolution of Congress of October 23, 1787, and lying in the angle between the seventh range of townships counted westwardly, from the Pennsylvania boundary, and the tenth range counted from the Ohio northwardly along the said seventh, which million of acres may perhaps extend westwardly, so as to comprehend the twelfth range of townships, counted in that direction from the Pennsylvania boundary, under which view the

said twelfth range may be assumed for the eastern boundary of the territory now under consideration, from the said tenth range to the Indian line.

Southwardly. By the northern boundary of the said tenth range of townships to the Sioto river, and along the said river to what shall be the northern limits of the appropriations for the Virginia line; (which two last lines are those of the lands granted to the Sioto company,) thence along what shall be the *northern* limits of the said appropriations of the Virginia line to the little Miami, and along the same to what shall be the northern limit of one million of acres of land purchased by John C. Symmes; thence due west along the said northern limit of the said John C. Symmes, to the Great Miami, and down the same to its mouth, then along the Ohio to General Clark's lands, and round the said lands to the Ohio again, and down the same to the Wabash, or the lands of the Indians inhabiting it. Which several lines are delineated on the copy of Hutchins' map accompanying this report; the dotted parts of the delineation denoting that they are conjectural. And it is further necessary to apprize the commissioners that though the points at which these several lines touches the Ohio, are taken from actual surveys, yet the country included by the said lines, not being laid down from actual survey, their lengths and intersections with each other, and with the watercourses, as appearing in the maps, are not at all to be relied on. No notice is here taken of the lands at the mouth of the Ohio appropriated for military bounties by the same resolution of Congress of October 22, 1787, nor of the settlement of Cahokea, Kaskaskia, Post Vincennes, &c., because these can concern no Indians but those of the Illinois and Wabash, whose interests should be transacted with themselves separately, and not be permitted to be placed under the patronage of the western Indians.

XXXIV.—*Report on the proceedings of the Secretary of State to transfer to Europe the annual fund of* $40,000, *appropriated to that Department.*

April 18, 1793.

The Secretary of State thinking it his duty to communicate to the President his proceedings of the present year for transferring to Europe the annual fund of $40,000 appropriated to the Department of State, (a report whereof, was unnecessary the two former years, as monies already in the hands of our bankers in Europe were put under his orders,)

Reports, That in consequence of the President's order of March 23d, he received from the Secretary of the Treasury, March 31st, a warrant on the Treasurer for $39,500; that it being necessary to purchase private bills of exchange to transfer the money to Europe, he consulted with persons acquainted with that business, who advised him not to let it be known that he was to purchase bills at all, as it would raise the exchange; and to defer the purchase a few days until the British packet should be gone, on which event bills generally sunk some few per cent. He therefore deferred the purchase, or giving any orders for it till April 10th, when he engaged Mr. Vaughan (whose line of business enabled him to do it without suspicion,) to make the purchase for him. He then delivered the warrant to the Treasurer, and received a credit at the Bank of the United States for $39,500, whereon he had an account opened between "The Department of State and the Bank of the United States." That Mr. Vaughan procured for him the next day the following bills:

Willing, Morris, and Swanwich, on John and Francis Baring & Co., London, £3,000=$13,000.

Walter Stewart on Joseph Birch, March, Liverpool, £400= $1,733 33.

Robert Gilmer & Co., on James Strachan and James Mackenzie, London, endorsed by Mordecai Lewis.

£200
150
250 } £600 = $2,600

£4,000=$17,333 33.

Averaging 4s. $7\frac{38}{100}$d. the dollar, or about $2\frac{1}{2}$ per cent. above par, which added to the one per cent loss heretofore always sustained on the government bills (which allowed but 99 florins, instead of 100 do. for every $40) will render the fund somewhat larger this year than heretofore; that these bills being drawn on London, (for none could be got on Amsterdam but to considerable loss, added to the risk of the present possible situation of that place), he had them made payable to Mr. Pinckney, and enclosed them to him by Captain Cutting, in the letter of April 12th, now communicated to the President, and at the same time wrote the letters of the same date to our bankers at Amsterdam and to Col. Humphreys, now also communicated to the President, which will place under his view the footing on which this business is put, and which is still subject to any change he may think proper to direct, as neither the letters, nor bills are yet gone.

The Secretary of State proposes, hereafter, to remit in the course of each quarter $10,000 for the ensuing quarter, as that will enable him to take advantage of the times when exchange is low. He proposes to direct, at this time, a further purchase of $12,166 66, (which with the $500 formerly obtained and $17,333 33 now remitted, will make $30,000 of this year's fund,) at long sight, which circumstance with the present low rate of exchange, will enable him to remit it to advantage.

He has only further to add that he delivered to Mr. Vaughan orders on the bank of the United States in favor of the persons themselves from whom the bills were purchased, for their respective sums.

XXXV.—*Opinion on the question whether the United States have a right to renounce their treaties with France, or to hold them suspended till the government of that country shall be established.*

April 28, 1793.

I proceed in compliance with the requisition of the President to give an opinion in writing on the general question, whether

the United States have a right to renounce their treaties with France, or to hold them suspended till the government of that country shall be established ?

In the consultation at the President's on the 19th inst., the Secretary of the Treasury took the following positions and consequences. France was a monarchy when we entered into treaties with it ; but it has declared itself a republic, and is preparing a republican form of government. As it may issue in a republic or a military despotism, or something else which may possibly render our alliance with it dangerous to ourselves, we have a right of election to renounce the treaty altogether, or to declare it suspended till their government shall be settled in the form it is ultimately to take ; and then we may judge whether we will call the treaties into operation again, or declare them forever null. Having that right of election, now, if we receive their minister without any qualifications, it will amount to an act of election to continue the treaties ; and if the change they are undergoing should issue in a form which should bring danger on us, we shall not be then free to renounce them. To elect to continue them is equivalent to the making a new treaty, at this time, in the same form, that is to say, with a clause of guarantee ; but to make a treaty with a clause of guarantee, during a war, is a departure from neutrality, and would make us associates in the war. To renounce or suspend the treaties, therefore, is a necessary act of neutrality.

If I do not subscribe to the soundness of this reasoning, I do most fully to its ingenuity. I shall now lay down the principles which, according to my understanding, govern the case.

I consider the people who constitute a society or nation as the source of all authority in that nation ; as free to transact their common concerns by any agents they think proper ; to change these agents individually, or the organization of them in form or function whenever they please ; that all the acts done by these agents under the authority of the nation, are the acts of the nation, are obligatory to them and enure to their use, and can in no wise be annulled or affected by any change in the form of

the government, or of the persons administering it, consequently the treaties between the United States and France, were not treaties between the United States and Louis Capet, but between the two nations of America and France; and the nations remaining in existence, though both of them have since changed their forms of government, the treaties are not annulled by these changes. The law of nations, by which this question is to be determined, is composed of three branches. 1. The moral law of our nature. 2. The usages of nations. 3. Their special conventions. The first of these only concerns this question, that is to say the moral law to which man has been subjected by his creator, and of which his feelings or conscience, as it is sometimes called, are the evidence with which his creator has furnished him. The moral duties which exist between individual and individual in a state of nature, accompany them into a state of society, and the aggregate of the duties of all the individuals composing the society constitutes the duties of that society towards any other; so that between society and society the same moral duties exist as did between the individuals composing them, while in an unassociated state, and their maker not having released them from those duties on their forming themselves into a nation. Compacts then, between nation and nation, are obligatory on them by the same moral law which obliges individuals to observe their compacts. There are circumstances, however, which sometimes excuse the non-performance of contracts between man and man; so are there also between nation and nation. When performance, for instance, becomes *impossible*, non-performance is not immoral; so if performance becomes *self-destructive* to the party, the law of self-preservation overrules the laws of obligation in others. For the reality of these principles I appeal to the true fountains of evidence, the head and heart of every rational and honest man. It is there nature has written her moral laws, and where every man may read them for himself. He will never read there the permission to annul his obligations for a time, or forever, whenever they become dangerous, useless, or disagreeable; certainly not when merely

useless or disagreeable, as seems to be said in an authority which has been quoted, (Vattel, p. 2, 197) and though he may, under certain degrees of danger, yet the danger must be imminent, and the degree great. Of these, it is true, that nations are to be judges for themselves; since no one nation has a right to sit in judgment over another, but the tribunal of our consciences remains, and that also of the opinion of the world. These will revise the sentence we pass in our own case, and as we respect these, we must see that in judging ourselves we have honestly done the part of impartial and rigorous judges.

But reason which gives this right of self-liberation from a contract in certain cases, has subjected it to certain just limitations.

I. The danger which absolves us must be great, inevitable and imminent. Is such the character of that now apprehended from our treaties with France? What is that danger? 1st. Is it that if their government issues in a military despotism, an alliance with them may taint us with despotic principles? But their government when we allied ourselves to it, was perfect despotism, civil, and military, yet the treaties were made in that very state of things, and, therefore, that danger can furnish no just cause.

2d. Is it that their government may issue in a republic, and too much strengthen our republican principles? But this is the hope of the great mass of our constituents, and not their dread. They do not look with longing to the happy mean of a limited monarchy.

3d. But, says the doctrine I am combatting, the change the French are undergoing, may possibly end in something we know not what, and may bring on us danger we know not whence. In short, it may end in a Raw-head and bloody bones in the dark. Very well—let Raw-head and bloody bones come. We shall be justified in making our peace with him by renouncing our ancient friends and his enemies; for observe, it is not the *possibility of danger* which absolves a party from his contract, for that possibility always exists, and in every case. It existed in the present one, at the moment of making the contract. If *possibilities* would void contracts, there never could be a valid

contract, for possibilities hang over everything. Obligation is not suspended till the danger is become real, and the moment of it so imminent, that we can no longer avoid decision without forever losing the opportunity to do it. But can a danger which has not yet taken its shape, which does not yet exist, and never may exist which cannot therefore be defined—can such a danger, I ask, be so imminent that if we fail to pronounce on it in this moment, we can never have another opportunity of doing it?

4. As to the danger apprehended, Is it that (the treaties remaining valid) the clause guaranteeing their West Indian lands will engage us in the war? But does the guarantee engage us to enter into the war on any event? Are we to enter into it before we are called on by our allies.

Have we been called on by them? Shall we ever be called on?

Is it their interest to call on us?

Can they call on us before their islands are invaded, or immediately threatened?

If they can save them themselves, have they a right to call on us?

Are we obliged to go to war at once, without trying peaceable negotiations with their enemy?

If all these questions are against us, there are still others left behind.

Are we in a condition to go to war?

Can we be expected to begin before we are in condition?

Will the islands be lost if we do not save them?

Have we the means of saving them?

If we cannot save them, are we bound to go to war for a desperate object?

Many, if not most of these questions offer grounds of doubt whether the clause of guarantee will draw us into the war. Consequently, if this be danger apprehended, it is not yet certain enough to authorize us in sound morality to declare, at this moment, the treaties null.

5. Is danger apprehended from the 17th article of the treaty of

commerce, which admits French ships of war and privateers to come and go freely, with prizes made on their enemies, while their enemies are not to have the same privilege with prizes made on the French? But Holland and Prussia have approved of this article in our treaty with France, by subscribing to an express salvo of it in our treaties with them. (Dutch treaty 22, convention 6. Prussian treaty 19.) And England, in her last treaty with France, (Art. 40,) has entered into the same stipulation verbatim, and placed us in her ports on the same footing in which she is in ours, in case of a war of either of us with France. If we are engaged in such a war, England must receive prizes made on us by the French, and exclude those made on the French by us. Nay, further; in this very article of her treaty with France, is a salvo of any similar article in any anterior treaty of either party; and ours with France being anterior, this salvo confirms it expressly. Neither of these three powers, then, have a right to complain of this article in our treaty.

6. Is the danger apprehended from the 22d article of our treaty of commerce, which prohibits the enemies of France from fitting out privateers in our posts, or selling their prizes here; but we are free to refuse the same thing to France, there being no stipulation to the contrary; and we ought to refuse it on principles of fair neutrality.

7. But the reception of a minister from the republic of France, without qualifications, it is thought, will bring us into danger; because this, it is said, will determine the continuance of the treaty, and take from us the right of self-liberation, when at any time hereafter our safety would require us to use it. The reception of the minister at all, (in favor of which Colonel Hamilton has given his opinion, though reluctantly, as he confessed,) is an acknowledgment of the legitimacy of their government; and if the qualifications meditated are to deny that legitimacy, it will be a curious compound which is to admit and to deny the same thing. But I deny that the reception of a minister has any thing to do with the treaties. There is not a word in either of them about sending ministers. This has been done between us

under the common usage of nations, and can have no effect either to continue or annul the treaties.

But how can any act of election have the effect to continue a treaty which is acknowledged to be going on still?—for it was not pretended the treaty was void, but only voidable if we choose to declare it so. To make it void, would require an act of election, but to let it go on, requires only that we should do nothing; and doing nothing can hardly be an infraction of peace or neutrality.

But I go further and deny that the most explicit declaration made at this moment that we acknowledge the obligation of the treaties, could take from us the right of non-compliance at any future time, when compliance would involve us in great and inevitable danger.

I conclude, then, that few of these sources threaten any danger at all; and from none of them is it inevitable; and consequently, none of them give us the right at this moment of releasing ourselves from our treaties.

II. A second limitation on our right of releasing ourselves, is that we are to do it from so much of the treaties only as is bringing great and inevitable danger on us, and not from the residue, allowing the other party a right at the same time, to determine whether on our non-compliance with that part, they will declare the whole void. This right they would have, but we should not. Vattel, 2. 202. The only part of the treaty which can really lead us into danger, is the clause of guarantee. That clause is all that we could suspend in any case, and the residue will remain or not at the will of the other party.

III. A third limitation is that when a party from necessity or danger withholds compliance with part of a treaty, it is bound to make compensation where the nature of the case admits and does not dispense with it. 2 Vattel, 324. Wolf, 270. 443. If actual circumstances excuse us from entering into the war under the clause of guarantee, it will be a question whether they excuse us from compensation. Our weight in the war admits of an estimate; and that estimate would form the measure of compensation.

If, in withholding a compliance with any part of the treaties, we do it without just cause or compensation, we give to France a cause of war, and so become associated in it on the other side. An injured friend is the bitterest of foes, and France has not discovered either timidity, or over-much forbearance on the late occasions. Is this the position we wish to take for our constituents? It is certainly not the one they would take for themselves.

I will proceed now to examine the principal authority which has been relied on for establishing the right of self-liberation; because though just in part, it would lead us far beyond justice, if taken in all the latitude of which his expressions would admit. Questions of natural right are triable by their conformity with the moral sense and reason of man. Those who write treatises of natural law, can only declare what their own moral sense and reason dictate in the several cases they state. Such of them as happen to have feelings and a reason coincident with those of the wise and honest part of mankind, are respected and quoted as witnesses of what is morally right or wrong in particular cases. Grotius, Puffendorf, Wolf, and Vattel are of this number. Where they agree their authority is strong; but where they differ, (and they often differ,) we must appeal to our own feelings and reason to decide between them. The passages in question shall be traced through all these writers; that we may see wherein they concur, and where that concurrence is wanting. It shall be quoted from them in the order in which they wrote, that is to say, from Grotius first, as being the earliest writer, Puffendorf next, then Wolf, and lastly Vattel, as latest in time.

Grotius 2. 16. 16.	Puffendorf 8. 9. 6.	Wolf 1146.	Vattel 2. 197.
Hither must be referred the common question concerning personal and real treaties. If indeed it be with a free people, there can be no doubt but that the engagement is in its nature real, because the subject is a permanent thing, and even though the government of the State be changed into a kingdom,	It is certain that every alliance made with a republic is real in its nature, and continues consequently to the term agreed on by the treaty, although the magistrates who concluded it be dead before, so that the form of government is changed even from a democracy to a monarchy; for in this case the	The alliance which is made with a free people, or with a popular government, is a real alliance; and as when the form of government changes, the people remain the same (for it is the association which forms the people, and not the manner of administering the government). This alliance	The same question presents itself in real alliances, and in general on every alliance made with a State, and not in particular with a king for the defence of his person. We ought, without doubt, to defend our ally against all invasion, against all foreign violence, and even against rebel subjects. We

Grotius 2. 16. 16.	Puffendorf 8. 9. 6.	Wolf 1146.	Vattel 2. 197.
the treaty remains; because the same body remains though the head is changed; and as it was before now, the government which is exercised by a king does not cease to be the government of the people. There is an exception when the object seems peculiar to the government, as if free cities contract a league for the defence of their freedom.	people do not cease to be the same, and the king, in the case supposed, being established by the consent of the people who abolished the republican government, is understood to accept the crown with all the engagements which the people confessing it had contracted as being free and governing themselves. There must nevertheless be an exception of the alliances contracted with a view to preserve the present government; as if two republics league for mutual defence against those who would undertake to invade their liberty; for if one of these two people consent afterwards voluntarily to change the form of the government, the alliance ends of itself, because the reason on which it was founded no longer subsists.	subsists, though the form of government changes, *unless*, as is evident, the reason of the alliance was particular to the popular state.	ought, in like manner, to defend a republic against the enterprises of an oppressor of the public liberty. But we ought to recollect that we are the ally of the state or of the nation, and not its judge. If the nation has deposed its king in form; if the people of a republic have driven away its magistrates, and have established themselves free, or if they have acknowledged the authority of an usurper, whether expressly or tacitly, to oppose these domestic arrangements—to contest their justice or validity—would be to meddle with the government of the nation, and to do it an injury. The ally remains the ally of the state, notwithstanding the change which has taken place; ***but if this change renders the alliance useless, dangerous, or disagreeable to it, it is free to renounce it; for it may say with truth, that it would not have allied itself with this nation, if it had been under the present form of its government.***

The doctrine then of Grotius, Puffendorf, and Wolf is, that "treaties remain obligatory, notwithstanding any change in the form of government, except in the single case, where the preservation of that form was the object of the treaty;" there the treaty extinguishes, not by the election or declaration of the party remaining in *statu quo*, but independently of that, by the evanishment of the object. Vattel lays down in fact the same doctrine, that treaties continue obligatory, notwithstanding a change of government by the will of the other party;—that to oppose that will would be a wrong; and that the ally remains an ally, notwithstanding the change. So far he concurs with all the previous writers:—but he then adds what they had not said nor could say; but if this change renders the alliance *useless*, *dangerous* or *disagreeable* to it, it is free to renounce it. It was unnecessary for him to have specified the exception of *danger* in this particular case, because the exception exists in all cases, and

its extent has been considered; but when he adds that, because a contract is become merely *useless* or *disagreeable* we are free to renounce it,—he is in opposition to Grotius, Puffendorf, and Wolf, who admit no such license against the obligation of treaties, and he is in opposition to the morality of every honest man to whom we may safely appeal to decide whether he feels himself free to renounce a contract the moment it becomes *merely useless* or *disagreeable* to him. We may appeal to Vattel himself in those parts of his book where he cannot be misunderstood, and to his known character, as one of the most zealous and constant advocates for the preservation of good faith in all our dealings. Let us hear him on other occasions; and first where he shows what degree of danger or injury will authorize self-liberation from a treaty: "If simple lesion," (lesion—the loss sustained by selling a thing for less than half value, which degree of loss renders the sale void by the Roman law,) "if simple lesion," says he, "or some degree of disadvantage in a treaty does not suffice to render it invalid, it is not so as to inconvenience which would go to the *ruin* of the nation. As every treaty ought to be made by sufficient power, a treaty pernicious to the State is null, and not at all obligatory. No governor of a nation having power to engage things capable of *destroying* the State, for the safety of which the empire entrusts to him, the nation itself, bound necessarily to whatever its preservation and safety require, cannot enter into engagements contrary to its indispensable obligations." Here then we find that the degree of injury or danger which he deems sufficient to liberate us from a treaty, is that which would go to the absolute ruin or destruction of the State;—not simply the lesion of the Roman law, not merely the being disadvantageous or dangerous; for as he himself says, Section 158, "lesion cannot render a treaty invalid. It is his duty who enters into engagements, to weigh well all things before he concludes. He may do with his property what he pleases. He may relinquish his rights or renounce his advantages, as he judges proper. The acceptant is not obliged to inform himself of his motives nor to weigh their

just value. If we could free ourselves from a compact because we find ourselves injured by it, there would be nothing firm in the contracts of nations. Civil laws may set limits to lesion, and determine the degree capable of producing a nullity of the contract; but sovereigns acknowledge no judge. How establish lesion among them? Who will determine the degree sufficient to invalidate a treaty? The happiness and peace of nations require manifestly that their treaties should not depend on a means of nullity so vague and so dangerous."

Let us hear him again on the general subject of the observation of treaties. Section 163: "It is demonstrated in natural law that he who promises another, confers on him a perfect right to require the thing promised, and that consequently, not to observe a perfect promise is to violate the right of another; it is as manifest injustice as to plunder any one of their right. All the tranquillity, the happiness and security of mankind, rest on justice or the obligation to respect the rights of others. The respect of others for our right of domain and property is the security of our actual possessions. The faith of promises is the security for the things which cannot be delivered or executed on the spot. No more security, no more commerce among men, if they think themselves not bound to preserve faith, to keep their word. This obligation, then, is as necessary as it is natural and indubitable among nations who live together in a state of nature, and who acknowledge no superior on earth. To maintain order and peace in their society, nations and their governors then ought to observe inviolably their promises and their treaties. This is a great truth, although too often neglected in practice, is generally acknowledged by all nations, the reproach of perfidy is a bitter affront among sovereigns. Now he who does not observe a treaty is assuredly perfidious, since he violates his faith. On the contrary, nothing is so glorious to a prince and his nation as the reputation of inviolable fidelity to his word." Again, Section 219, "Who will doubt that treaties are of the things sacred among nations? They decide matters the most important; they impose rules on the pretensions of sovereigns, they cause the rights

of nations to be acknowledged; they assume their most precious interests. Among political bodies, sovereigns, who acknowledge no superior on earth, treaties are the only means of adjusting their different pretensions; of establishing a rule, to know on what to count, on what to depend. But treaties are but vain words, if nations do not consider them as respectable engagements, as rules inviolable for sovereigns, and sacred through the whole earth." Section 220: "The faith of treaties, that firm and sincere will, that invincible constancy in fulfilling engagements, of which a declaration is made in a treaty, is then holy and sacred among nations, whose safety and repose it ensures; and if nations will not be wanting to themselves, they will load with infamy whoever violates his faith."

After evidence so copious and explicit of the respect of this author for the sanctity of treaties, we should hardly have expected that his authority would have been resorted to for a wanton invalidation of them whenever they should become merely *useless or disagreeable.* We should hardly have expected that, rejecting all the rest of his book, this scrap would have been culled and made the hook whereon to hang such a chain of immoral consequences. Had the passage accidentally met our eye, we should have imagined it had fallen from the author's pen under some momentary view, not sufficiently developed to found a conjecture what he meant, and we may certainly affirm that a fragment like this cannot weigh against the authority of all other writers; against the uniform and systematic doctrine of the very work from which it is torn; against the moral feelings and the reason of all honest men. If the terms of the fragment are not misunderstood, they are in full contradiction to all the written and unwritten evidences of morality. If they are misunderstood, they are no longer a foundation for the doctrines which have been built on them.

But even had this doctrine been as true as it is manifestly false, it would have been asked, to whom is it that the treaties with France have become *disagreeable?* How will it be proved that they are *useless?*

The conclusion of the sentence suggests a reflection too strong to be suppressed, "for the party may say with truth that it would not have allied itself with this nation if it had been under the present form of its government." The republic of the United States allied itself with France when under a despotic government. She changes her government, and declares it shall be a republic; prepares a form of republic extremely free, and in the meantime is governing herself as such. And it is proposed that America shall declare the treaties void, because it may say with truth that it would not have allied itself with that nation if it had been under the present form of its government. Who is the American who can say with truth that he would not have allied himself to France if she had been a republic? Or that a republic of any form would be as *disagreeable* as her ancient despotism?

Upon the whole I conclude, that the treaties are still binding, notwithstanding the change of government in France; that no part of them but the clause of guarantee holds up *danger*, even at a distance, and consequently that a liberation from no other part would be prepared in any case; that if that clause may ever bring *danger*, it is neither extreme nor imminent, nor even probable that the authority for renouncing a treaty, when *useless or disagreeable*, is either misunderstood or in opposition to itself, to all other writers, and to every moral feeling; that were it not so, these treaties are in fact neither useless or disagreeable; that the receiving a minister from France at this time is an act of no significance with respect to the treaties, amounting neither to an admission nor denial of them, forasmuch as he comes not under any stipulation in them; that were it an explicit admission, or were it an express declaration of their obligation now to be made, it would not take from us that right which exists at all times, of liberating ourselves when an adherence to the treaties would be *ruinous* or *destructive* to the society; and that the not renouncing the treaties now is so far from being a breach of neutrality, that the doing it would be the breach, by giving just cause of war to France.

XXXVI.—*Opinion relative to granting of passports to American vessels.*

May 8, 1793.

It has been stated in our treaties with the French, Dutch and Prussians, that when it happens that either party is at war, and the other neutral, the neutral shall give passports of a certain tenor to the *vessels belonging to their subjects*, in order to avoid dissension; and it has been thought that passports of such high import to the persons and property of our citizens should have the highest sanction; that of the signature of the President, and seal of the United States. The authority of Congress also, in the case of sea letters to East India vessels, was in favor of this sanction. It is now become a question whether these passports shall be given only to ships *owned and built* in the United States, or may be given also to those *owned* in the United States, though *built* in foreign countries.

The persons and property of our citizens are entitled to the protection of our government in all places where they may lawfully go. No laws forbid a merchant to buy, own, and use a *foreign-built* vessel. She is, then, his lawful property, and entitled to the protection of his nation whenever he is lawfully using her.

The laws indeed, for the encouragement of ship building, have given to home-built vessels the exclusive privilege of being registered and paying lighter duties. To this privilege, therefore, the foreign-built vessel, though owned at home, does not pretend. But the laws have not said that they withdraw their protection from the foreign-built vessel. To this protection, then, she retains her title, notwithstanding the preference given to the home-built vessel as to duties. It would be hard indeed because the law has given one valuable right to home-built vessels, to infer that it had taken away all rights from those foreign-built.

In conformity with the idea that all the vessels of a State are entitled to its protection, the treaties before mentioned have settled that passports shall be given, not merely to the vessels *built*

in the United States, but to the vessels belonging to them; and when one of these nations shall take a vessel, if she has not such a passport, they are to conclude she does not *belong* to the United States, and is therefore lawful prize; so that to refuse these passports to foreign-built vessels *belonging* to our merchants, is to give them up to capture with their cargoes. The most important interests of the United States hang upon this question. The produce of the earth is their principle source of wealth. Our *home-built* vessels would suffice for the transportation of a very small part of this produce to market, and even a part of these vessels will be withdrawn by high premiums to other lines of business. All the rest of our produce, then, must remain on our hands, or have its price reduced by a war insurance. Many descriptions of our produce will not bear this reduction, and would, therefore, remain on hand.

We shall lose also a great proportion of the profits of navigation. The great harvest for these is when other nations are at war, and our flag neutral. But if we can augment our stock of shipping only by the slow process of building, the harvest will be over while we are only preparing instruments to reap it. The moment of breeding seamen will be lost for want of bottoms to embark them in.

France and Holland permit our vessels to be neutralized with them; not even to suffer theirs to be purchased here might give them just cause to revoke the privilege of naturalization given to ours, and would inflict on the ship-building States and artizans a severe injury.

Objection. To protect foreign-built vessels will lessen the demand for ship building here.

Answer. Not at all; because as long as we can build cheaper than other nations, we shall be employed in preference to others; besides, shall we permit the greatest part of the produce of our fields to rot on our hands, or lose half its value by subjecting it to high insurance, merely that our ship builders may have brisker employ? Shall the whole mass of our farmers be sacrificed to the class of ship wrights?

Objection. There will be collusive transfers of foreign ships to our merchants, merely to obtain for them the cover of our passports.

Answer. The same objection lies to giving passports to home-built vessels. They may be owned, and are owned by foreigners, and may be collusively re-transferred to our merchants to obtain our passports. To lessen the danger of collusion, however, I should be for delivering passports in our own ports only. If they were to be sent blank to foreign ports to be delivered there, the power of checking collusion would be small, and they might be employed to cover purposes of no benefit to us (which we ought not to countenance), and to throw our vessels out of business; but if issued only to vessels in our own ports, we can generally be certain that the vessel is our property; and always that the *cargo* is of our produce. State the case that it shall be found that all our shipping, home-built and foreign-built, is inadequate to the transportation of our produce to market; so that after all these are loaded, there shall yet remain produce on hand. This must be put into vessels owned by foreigners. Should these obtain collusively the protection of our passport, it will cover their *vessel* indeed, but it will cover also our *cargo*. I repeat it then, that if the issuing passports be confined to our ports, it will be our own *vessels* for the most part, and always our *cargoes* which will be covered by them.

I am, therefore, of opinion, that passports ought to be issued to all vessels *belonging* to citizens of the United States, but only on their clearing out from our own ports, and for that voyage only.

XXXVII.—*Opinion relative to case of a British vessel captured by a French vessel, purchased by French citizens, and fitted out as a Privateer in one of our ports.*

May 16, 1793.

The facts suggested, or to be taken for granted, because the contrary is not known, in the case now to be considered, are,

that a vessel was purchased at Charleston, and fitted out as a privateer by French citizens, manned with foreigners chiefly, but partly with citizens of the United States. The command given to a French citizen by a regular commission from his government; that she has made prize of an English vessel in the open sea, and sent her into Philadelphia. The British minister demands restitution, and the question is, whether the Executive of the United States shall undertake to make it?

This transaction may be considered, 1st, as an offence against the United States; 2d, as an injury to Great Britain.

In the first view it is not now to be taken up. The opinion being, that it has been an act of disrespect to the jurisdiction of the United States, of which proper notice is to be taken at a proper time.

Under the second point of view, it appears to me wrong on the part of the United States (where not constrained by treaties) to permit one party in the present war to do what cannot be permitted to the other. We cannot permit the enemies of France to fit out privateers in our ports, by the 22d article of our treaty. We ought not, therefore, to permit France to do it; the treaty leaving us free to refuse, and the refusal being necessary to preserve a fair neutrality. Yet considering that the present is the first case which has arisen; that it has been in the first moment of the war, in one of the most distant ports of the United States, and before measures could be taken by the government to meet all the cases which may flow from the infant state of our governernment, and novelty of our position, it ought to be placed by Great Britain among the accidents of loss to which a nation is exposed in a state of war, and by no means as a premeditated wrong on the part of the government. In the last light it cannot be taken, because the act from which it results placed the United States with the offended, and not the offending party. Her minister has seen himself that there could have been on our part neither permission or connivance. A very moderate apology then from the United States ought to satisfy Great Britain.

The one we have made already is ample, to wit, a pointed

disapprobation of the transaction, a promise to prosecute and punish according to law such of our citizens as have been concerned in it, and to take effectual measures against a repetition. To demand more would be a wrong in Great Britain; for to demand satisfaction *beyond* what is adequate, is wrong. But it is proposed further to take the prize from the captors and restore her to the English. This is a very serious proposition.

The dilemma proposed in our conferences, appears to me unanswerable. Either the commission to the commander of the privateer was good, or not good. If not good, then the tribunals of the country will take cognizance of the transaction, receive the demand of the former owner, and make restitution of the capture; and there being, on this supposition, regular remedy at law, it would be irregular for the government to interpose. If the commission be good, then the capture having been made on the high seas, under a valid commission from a power at war with Great Britain, the British owner has lost all his right, and the prize would be deemed good, even in his own courts, were the question to be brought before his own courts. He has now no more claim on the vessel than any stranger would have who never owned her, his whole right being transferred by the laws of war to the captor.

The legal right then being in the captors, on what ground can we take it from him? Not on that of *right*, for the right has been transferred to him. It can only be by an act of *force*, that is to say, of reprisal for the offence committed against us in the port of Charleston. But the making reprisal on a nation is a very serious thing. Remonstrance and refusal of satisfaction ought to precede; and when reprisal follows, it is considered as an act of war, and never yet failed to produce it in the case of a nation able to make war; besides, if the case were important enough to require reprisal, and ripe for that step, Congress must be called on to take it; the right of reprisal being expressly lodged with them by the Constitution, and not with the Executive.

I therefore think that the satisfaction already made to the *gov-*

ernment of Great Britain is quite equal to what ought to be desired in the present case; that the property of the British *owner* is transferred by the laws of war to the *captor;* that for us to take it from the captor would be an act of force or reprisal, which the circumstances of the case do not justify, and to which the powers of the Executive are not competent by the Constitution.

XXXVIII.—*Opinion on the proposition of the Secretary of the Treasury to open a new Loan.*

June 5. 1793.

Instructions having been given to borrow two millions of florins in Holland, and the Secretary of the Treasury proposing to open a further loan of three millions of florins, which he says "a comprehensive view of the affairs of the United States, in various relations, appears to him to recommend," the President is pleased to ask whether I see any objections to the proposition?

The power to borrow money is confided to the President by the two acts of the 4th and 12th of August, 1790, and the monies, when borrowed, are appropriated to two purposes only; to wit, the twelve millions to be borrowed under the former, are appropriated to discharge the arrears of interest and instalments of the foreign debt; and the two millions, under the latter, to the purchase of the public debt, under direction of the trustees of the sinking fund.

These appropriations render very simple the duties of the President in the discharge of this trust. He has only to look to the *payment* of the foreign debt, and the purchase of the general one. And in order to judge for himself of the necessity of the loan proposed for effecting these two purposes, he will need from the treasury the following statements:—

A. A statement of the nett amount of the loans already made under these acts, adding to that the two millions of florins now in course of being borrowed. This will form the *debit* of the trust.

The *credit* side of the account will consist of the following statements, to wit :—

B. Amount of the principal and interest of foreign debt, paid and payable, to the close of 1792.

C. Ditto, payable to the close of 1793.

D. Ditto, payable to the close of 1794 (for I think our preparations should be a year beforehand).

E. Amount of monies necessary for the sinking fund to the end of 1794.

If the amount of the four last articles exceeds the first, it will prove a further loan necessary, and to what extent.

The treasury alone can furnish these statements with perfect accuracy. But to show that there is probable cause to go into the examination, I will hazard a statement from materials which, though perhaps not perfectly exact, are not much otherwise.

Report of January 3, 1793. *New Edition.*

Dr.

The trust for loans.		
A. To nett amount of loans to June 1, 1792, as stated in the treasury report, to wit, 18,678,000 florins, at 99 florins to $40, the treasury exchange		$7,545,912
To loan now going on for 2,000,000 florins		808,080
		$8,353,992

Cr.

	Florins.		
B. By charges on remittances to France	10,073 1		
By reimbursement to Spain	680,000		
By interest paid to foreign officers	105,000		
	795,093 1	—	$321,239 46
By principal paid to foreign officers			191,316 90
	Livres.		
By amount of French debt, principal and interest, payable to end of 1791	26,000,000		
By ditto, for 1792	3,450,000		
	29,450,000	—	5,345,171
C. By ditto, for 1793	3,410,000	—	618,915
D. By ditto, for 1794	3,250,000	—	569,875
E. By necessary for sinking fund at $50,000 a month, from July 1, 1793, to Dec. 31, 1794			900,000
Balance which will remain in hands of the trust, at end of 1794			387,474 64
			$8,353,992 00

So that instead of an additional loan being necessary, the monies already borrowed will suffice for all the purposes to which they can be legally applied to the end of 1794, and leave a surplus of $387,474 64 to cover charges and errors. And as, on account of the unsettled state of the French government, it is not proposed to pay in advance, or but little so, any further sum would be lying at a dead interest and risk. Perhaps it might be said that new monies must be borrowed for the current domestic service of the year. To this I should answer, that no law has authorized the opening of a loan for this purpose.

If it should be said that the monies heretofore borrowed are so far put out of our power that we cannot command them before an instalment will be due, I should answer, that certainly I would rather borrow than fail in a payment; but if borrowing will secure a payment in time, the two millions of florins now borrowing are sufficient to secure it. If we cannot get this sum in time, then we cannot get an additional sum in time.

The above account might be stated in another way, which might, perhaps, be more satisfactory, to wit:

Dr.			
The trust for loans.			
To nett amount of loans to June 1, 1792. 18,678,000 florins, at 99 florins to $40			$7,545,912
Cr.			
	Florins		
By charges on remittances to France	10,073 1		
By reimbursement to Spain	680,000		
By interest paid to foreign officers	105,000		
	795,073 1		$321,239 46
By principal paid to foreign officers			191,316 90
By payments to France	10,073,043 8		4,069,918 54
	Livres.		
By ditto to St. Domingo	4,000,000	—	726,000
By ditto to do.	3,000,000	—	544,500
By do. to Mr. Ternant [I state this by memory]	24,000	—	4,356
Balance in hand to be carried to new debit			1,688,581 10
			$7,545,912 00
Dr.			
The trust for loans.			
To balance as per contra			$1,688,581 10
To two millions of florins, new loan, when effected			808,080
			$2,496,661 10

Cr.

	Livres.	
By the following payments when made, to wit:		
Balance due to France, to close of year 1792 ($5,345,171—$5,344,774 54)		$396 46
Instalments and interest to close of year 1793	3,410,000—	618,915
do. do. 1794	3,250,000—	589,875
Necessary for sinking fund from July 1, 1793, to December 31, 1794		900,000
Balance will then be in hand to be carried to new debit		387,474 64
		$2,496,661 10

By this statement, it would seem as if all the payments to France, hitherto made and ordered, would not acquit the year 1792. So that we have never yet been clear of arrears to her.

The amount of the French debt is stated according to the convention, and the interest is calculated accordingly. Interest on the ten million loan is known to have been paid for the years 1784, 1785, and is therefore deducted. It is not known whether it was paid on the same loan for the years 1786–7–8–9, previous to the payment of December 3, 1790, or whether it was included in that payment; therefore this is not deducted. But if, in fact, it was paid before that day, it will then have lessened the debt so much, to wit, 400,000 livres a year, for four years, making 1,600,000 florins, equal to $290,400, which sum would put us in advance near half of the instalments of 1793. Note,—livres are estimated at $\frac{18}{10}$ cents, proposed by the Secretary of the Treasury to the French ministry as the par of the metals, to be the rate of conversion.

This uncertainty with respect to the true state of our account with France, and the difference of the result from what has been understood, shows that the gentlemen who are to give opinions on this subject, must do it in the dark, and suggests to the President the propriety of having an exact statement of the account with France communicated to them, as the ground on which they are to give opinions. It will probably be material in that about to be given on the late application of Mr. Genet, on which the Secretary of the Treasury is preparing a report.

XXXIX.—*Opinion relative to the policy of a new loan.*

June 17, 1793.

I cannot see my way clear in the case which the President has been pleased to ask my opinion, but by recurring to these leading questions:

Of the $7,898,999 88 borrowed, or rather of the $7,545,912, nett proceeds thereof, how much has been applied to the *payment* of the *foreign*, and *purchase* of the *general* debt?

To the balance thereof, which should be on hand, and the two millions of florins now borrowing, is any and what addition necessary, *for the same objects*, for the years 1793, 1794?

The statement furnished by the Secretary of the Treasury does not answer these questions. It only shows what has been done with somewhat less than three millions out of near eight millions of dollars which have been borrowed, and in so doing it takes credit for two sums which are not to come out of this sum, and therefore not to be left in the account. They are the following:

1. A sum of $284,901 89 expended in purchases of the public debt. In the general report of the trustees of the sinking fund, made to Congress the 23d of February last, and printed, it appears, page 29, that the whole amount of monies laid out by them was $1,302,407 64, from which were to be deducted, as is mentioned in the note there subjoined, the purchases made out of the interest fund (then about $50,000 as well as I recollect). Call the sum paid then $1,252,407 64. By the Treasury report, p. 38, (new edition,) it appears that the surplus of domestic revenue to the end of 1790, appropriated to this object, was $1,374,656 40, and p. 34, that the monies drawn from Europe on account of the foreign loans, were not the instrument of these purchases; and in some part, to which I am not able just now to turn, I recollect pretty certainly that it is said these purchases were actually carried to account, as was proper, against the domestic surplus, consequently they are not to be allowed in the foreign account also. Or if allowed in this, the sum will then

be due from the surplus account, and so must lessen the sum to be borrowed for the sinking fund, which amounts to the same.

2. The 1st instalment due to the bank $200,000. Though the first payment of the subscription of the United States to the bank might have been made, in the first instant, out of the foreign monies to be immediately repaid to them by the money borrowed of the bank, yet this useless formality was avoided, and it was a mere operation of the pen on paper, without the displacement of a single dollar. See reports p. 12. And, in any event, the final reimbursement was never to be made out of the foreign fund, which was appropriated solely to the *payment* of the *foreign*, and *purchase* of the *general* debt.

These two sums, therefore, of $284,901 89 and $200,000 are to be added to the balance of $575,484 28 subject to future disposition, and will make $1,050,386 17 actually here, and still to be applied to the proper appropriation.

However, this account, as before observed, being only of a part of the monies borrowed, no judgment can be formed from it of the expediency of borrowing more; nor should I have stopped to make a criticism on it, but to show why no such sums as the two above mentioned, were inserted in the general account sketched for the President, June 5. I must add that the miscellaneous sum of $49,400 in this account, is probably covered by some other articles of that as far as it is chargeable on this fund; because that account, under one form or another, takes up all the articles chargeable on this fund which had appeared in the printed reports.

I must, therefore, proceed to renew my statement of June 5, inserting therein the 1st instalment of the Dutch loan of $404,040 40 payable this month, which not having been mentioned in any of the reports heretofore published, was not inserted in my statement. I will add a like sum for the year 1794, because I think we should now prepare for the whole of that year.

As the Secretary of the Treasury does not seem to contemplate the furnishing any fixed sum for the sinking fund, I shall leave that article out of the account. The President can easily add to

its result any sum he may decide to have furnished to that fund. The account, so corrected, will stand thus:

Dr.

The trust for loans.

To nett amount of loans to June 1, 1792		$7,545,912
To loan now going on for 2,000,000 florins		808,080
		$8,353,992

Cr.

	Florins.		
By charges on remittances to France	10,073 1		
By reimbursement to Spain	680,000		
By interest paid to foreign officers	105,000		
	795,073 1	—	$321,239 46
By principal paid to foreign officers			191,316 90
By amount of French debt, principal and interest, payable to end of 1791	Livres. 26,000,000		
By ditto for 1792	3,450,000		
	29,450,000	—	5,345,171
By ditto for 1793	3,410,000	—	618,915
By 1st instalment of Dutch debt due June 1793			404,040 40
By instalments and interest to France for 1794	3,250,000	—	569,875
By instalment to Holland for 1794			404,040 40
Balance will then remain in hands of the trust,			499,393 84
			$8,353,992 00

So that it appears there would be a balance in the hands of this trust, at the close of 1794, of $499,393 84, were no monies to be furnished in the meantime to the sinking fund; but should the President determine to furnish that with the $900,000 proposed in my statement of June 5, then a loan would be necessary for about $400,000, say in near round numbers, 1,000,000 of guilders, in addition to the 2,000,000 now borrowing. I am, *individually*, of opinion that that sum ought to be furnished to the sinking fund, and consequently that an additional loan, to this extent, should be made, considering the subject in a *legal point of view* only.

The reasons in favor of the extension are,

The apprehension of the extension of our war to other Indian nations, and perhaps to Europe itself.

The disability this might produce to borrow at all, [this is, in my judgment, a weighty consideration.]

The possibility that the government of France may become so settled as that we may hazard the anticipation of payment, and so avoid dead interest.

The reasons against it are,

The possibility that France may continue, for some time yet, so unsettled as to render an anticipation of payments hazardous.

The risk of losing the capital borrowed by a successful invasion of the country of deposit, if it be left in Europe; or by an extension of the bankruptcies now shaking the most solid houses; and when and where they will end we know not.

The loss of interest on the dead sum, if the sum itself be safe.

The execution of a power for one object, which was given to be executed but for a very different one.

The commitment of the President, on this account, to events, or to the criticisms of those who, though the measures should be perfectly wise, may misjudge it through error or passion.

The apprehension that the head of the department means to provide idle money to be lodged in the banks ready for the corruption of the next legislature, as it is believed the late ones were corrupted, by gratifying particular members with vast discounts for objects of speculation.

I confess that the last reasons have most weight with me.

XL.—*Report on the privileges and restrictions on the commerce of the United States in foreign countries.*

December 16, 1793

SIR,—According to the pleasure of the House of Representatives, expressed in their resolution of February 23, 1791, I now lay before them a report on the privileges and restrictions on the commerce of the United States in foreign countries. In order to keep the subject within those bounds which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only with which we carry on a commerce of some importance, and to those articles also of our produce which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms without detailing the exact duty levied

on each article. To have gone fully into these minutiæ, would have been to copy the tariffs and books of rates of the different countries, and to have hidden, under a mass of details, those general and important truths, the extraction of which, in a simple form, I conceived would best answer the inquiries of the House, by condensing material information within those limits of time and attention, which this portion of their duties may justly claim. The plan, indeed, of minute details which have been impracticable with some countries, for want of information.

Since preparing this report, which was put into its present form in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place—some of them independent of war; some arising out of it.

France has proposed to enter into a new treaty of commerce with us, on liberal principles; and has, in the meantime, relaxed some of the restraints mentioned in the report. Spain has, by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine into free ports, for the vessels of friendly nations *having treaties of commerce* with her, provided they touch for a permit at Corcubion in Gallicia, or at Alicant; and our rice is, by the same ordinance, excluded from that country. The circumstances of war have necessarily given us freer access to the West Indian islands, whilst they have also drawn on our navigation vexations and depredations of the most serious nature.

To have endeavored to describe all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the summer of 1792. I have the honor to be, &c.

To the Speaker of the House of Representatives of the United States of America.

The Secretary of State, to whom was referred, by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following Report:

The countries with which the United States have their chief commercial intercourse are Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are,

Bread-stuff, that is to say, bread grains, meals, and bread, to the annual amount of	$7,649,887
Tobacco	4,349,567
Rice	1,753,796
Wood	1,263,534
Salted fish	941,696
Pot and pearl ash	839,093
Salted meats	599,130
Indigo	537,379
Horses and mules	339,753
Whale oil	252,591
Flax seed	236,072
Tar, pitch and turpentine	217,177
Live provisions	137,743
Ships	
Foreign goods	620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows:

To Spain and its dominions	$2,005,907
Portugal and its dominions	1,283,462
France and its dominions	4,698,735
Great Britain and its dominions	9,363,416
The United Netherlands and their dominions	1,963,880
Denmark and its dominions	224,415
Sweden and its dominions	47,240

Our imports from the same countries, are,

Spain and its dominions	335,110
Portugal and its dominions	595,763
France and its dominions	2,068,348
Great Britain and its dominions	15,285,428
United Netherlands and their dominions	1,172,692
Denmark and its dominions	351,364
Sweden and its dominions	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our *navigation*, depending on the same commerce, will ap-

pear by the following statement of the tonnage of our own vessels, entering in our ports, from those several nations and their possessions, in one year; that is to say; from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain	19,695
Portugal	23,576
France	116,410
Great Britain	43,580
United Netherlands	58,858
Denmark	14,655
Sweden	750

Of our commercial objects, Spain receives favorably our breadstuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half-a-dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary islands under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain; foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch, and turpentine.

For flax-seed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 20 per cent. on being sold to their subjects, and are then free-bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties of from 20 to 28 per cent., and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals, are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands, except that in these, meals and rice are received freely.

France receives favorably our bread-stuffs, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 4½ cents, is paid on our tar, pitch, and turpentine. Our whole oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 2½; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of twenty livres the quintal.

Our ships are free to carry thither all foreign goods which may be carried in their own or any other vessels, except tobaccoes not of our own growth; and they participate with theirs, the exclusive carriage of our whale oils and tobaccoes.

During their former government, our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports, and converted into national bottoms. The first national assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres, fifteen sous the quintal, carried in their own vessels, and five livres carried in ours—a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst

those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flax seed are free from all countries. Our tar and pitch pay eleven pence, sterling, the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays one shilling and three pence, sterling, the pound, custom and excise, besides heavy expenses of collection; and rice, in the same case, pays seven shillings and fourpence, sterling, the hundred weight; which, rendering it too dear, as an article of common food, it is consequently used in very small quantity.

Our salted fish and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties; so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to fifty shillings, sterling, the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used, even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law, (12 Car. 2, 18, sect. 3,) from carrying thither all and any of our own domestic productions and manufactures. A subsequent act, indeed, has authorized their executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given from year to year by proclamation, but subject every moment to be withdrawn on that single will; in which event, our vessels having anything on board, stand interdicted from the entry of all British ports

The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion,* when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined for the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal conviction, that the words of the order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports one shilling and nine pence, sterling, per ton, light and trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us, is re-exported to other countries, under the useless charges of an intermediate deposit, and double voyage. From tables published in England, and composed, as is said, from the books of their customhouses, it appears, that of the indigo imported there in the years 1773, '4, '5, one-third was re-exported; and from a document of authority, we learn, that of the rice and tobacco imported there before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below fifty shillings the quarter, and other grains in proportion.

The *United Netherlands* prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

* April 12, 1792.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly re-shipped to other maritime countries. On the latter portion they intercept between us and the consumer, so much of the value as is absorbed in the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and neutralized there, with exceptions of one or two privileges, which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice, carried in their own vessels, and half as much more, if carried in ours; but the exact amount of these duties is not perfectly known here They lay such as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional on that, or twenty-two and four-tenths mills, carried in ours or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccoes, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being 4.34 dollars the hundred weight, if carried in their own vessels, and of forty per cent. on that additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flax-seed, tar, pitch, and turpentine, wood, (except oak timber and masts,) and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced to almost nothing.

With our neighbors, an order of things much harder presents itself.

Spain and *Portugal* refuse, to all those parts of America which they govern, all direct intercourse with anv people but

themselves. The commodities in mutual demand between them and their neighbors, must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject state, must be in a domestic bottom.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, turpentine, rice, and maize, and prohibits our other bread stuff; but a suspension of this prohibition having been left to the colonial legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of three colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and bread stuff, by a proclamation of her executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring in exchange rum, molasses, sugar, coffee, cocoa-nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the navigation act.

In the *Danish American* possessions a duty of 5 per cent. is levied on our corn, corn meal, rice, tobacco, wood, salted fish, indigo, horses, mules and live stock, and of 10 per cent. on our flour, salted pork and beef, tar, pitch and turpentine.

In the American islands of the *United Netherlands* and Sweden, our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the continent.

To sum up these restrictions, so far as they are important:

First. In Europe—

Our bread stuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spain to her colonies.

Our tobaccoes are heavily dutied in England, Sweden and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

Second. In the West Indies—

All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and bread stuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pays there a weighty duty.

Third. In the article of navigation—

Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We can carry no article, not of our own production, to the British ports in Europe. Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States; the question is, in what way they may best be removed, modified or counteracted?

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions ex-

ist: Or, 2. By the separate act of our own legislatures for countervailing their effects.

There can be no doubt but that of these two, friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surplusses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its restrictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange, either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war-freight and insurance, and the articles which will not bear that, must perish on our hands.

But it is as a resource of defence that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land-board, and nothing to desire beyond their present rights. But on their seaboard, they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artists and establishments in readiness for ship-building.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citi-

zens equal to their object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defence; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation, are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here, in competition with our own of the same kind; selecting next, such manufactures as we take from them in greatest quantity, and which, at the same time, we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may ensure him the highest

profits from his skill and industry. And here, it would be in the power of the State governments to co-operate essentially, by opening the resources of encouragement which are under their control, extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population and other circumstances have matured them, and fostering the precious efforts and progress of *household* manufacture, by some patronage suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the councils and conduct of others, and of promoting arts, manufactures and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee, are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider as theirs, any vessel not built within their territories.

5. Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries. But as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may con-

tinue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only, as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain, alone, has already lost us in our commerce with that country and its possessions, between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy.

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case one distinction alone will suffice: that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations, with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease *ex parte* regulations, on the reasonable presumption that they will concur in doing whatever justice and moderation dictate should be done.

XLI.—*Report on the Mint. Communicated to the Senate, December* 31, 1793.

PHILADELPHIA, December 30, 1793.

SIR,—I am informed, by the Director of the Mint, that an impediment has arisen to the coinage of the precious metals, which it is my duty to lay before you.

It will be recollected, that, in pursuance of the authority vested in the President, by Congress, to procure artists from abroad, if necessary, Mr. Drotz, at Paris, so well known by the superior style of his coinage, was engaged for our mint; but that, after occasioning to us a considerable delay, he declined coming. That thereupon, our minister at London, according to the instructions he had received, endeavored to procure, there, a chief coiner and assayer; that, as to the latter, he succeeded in sending

over a Mr. Albion Coxe, for that office, but that he could procure no person there more qualified to discharge the duties of chief coiner, than might be had here; and, therefore, did not engage one. The duties of this last office have consequently been, hitherto, performed, and well performed, by Henry Voight, an artist of the United States, but the law requiring these officers to give a security, in the sum of ten thousand dollars each, neither is able to do it. The coinage of the precious metals has, therefore, been prevented for some time past, though, in order that the mint might not be entirely idle, the coinage of copper has been going on; the trust in that, at any one point of time, being of but small amount.

It now remains to determine how this difficulty is to be got over. If by discharging these officers, and seeking others, it may well be doubted if any can be found in the United States, equally capable of fulfilling their duties; and to seek them from abroad, would still add to the delay; and if found either at home or abroad, they must still be of the description of artists whose circumstances and connections rarely enable them to give security in so large a sum. The other alternative would be to lessen the securityship in money, and to confide that it will be supplied by the vigilance of the director, who, leaving as small masses of metal in the hands of the officers, at any one time, as the course of their process will admit, may reduce the risk to what would not be considerable.

To give an idea of the extent of the trust to the several officers, both as to sum and time, it may be proper to state the course of the business, according to what the director is of opinion it should be. The treasurer, he observes, should receive the bullion; the assayer, by an operation on a few grains of it, is to ascertain its fineness. The treasurer is then to deliver it to the refiner, to be melted and mixed to the standard fineness; the assayer here, again, examining a few grains of the melted mass, and certifying when it is of due fineness; the refiner then delivers it to the chief coiner, to be rolled and coined, and returns it, when coined, to the treasurer. By this it appears. that a few grains only, at a

time, are in the hands of the assayer, the mass being confided, for operation, to the refiner and chief coiner. It is to be observed that the law has not taken notice of the office of refiner, though so important an officer ought, it should seem, to be of the President's nomination, and ought to give a security nearly equal to that required from the chief coiner.

I have thought it my duty to give this information under an impression that it is proper to be communicated to the Legislature, who will decide, in their wisdom, whether it will be expedient to make it the duty of the treasurer to receive and keep the bullion before coinage;

To lessen the pecuniary security required from the chief coiner and assayer; and

To place the office of the refiner under the same nomination with that of the other chief officers; to fix his salary, and require due security.

I have the honor to be, with the most perfect respect and attachment, sir, your most obedient and most humble servant.

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